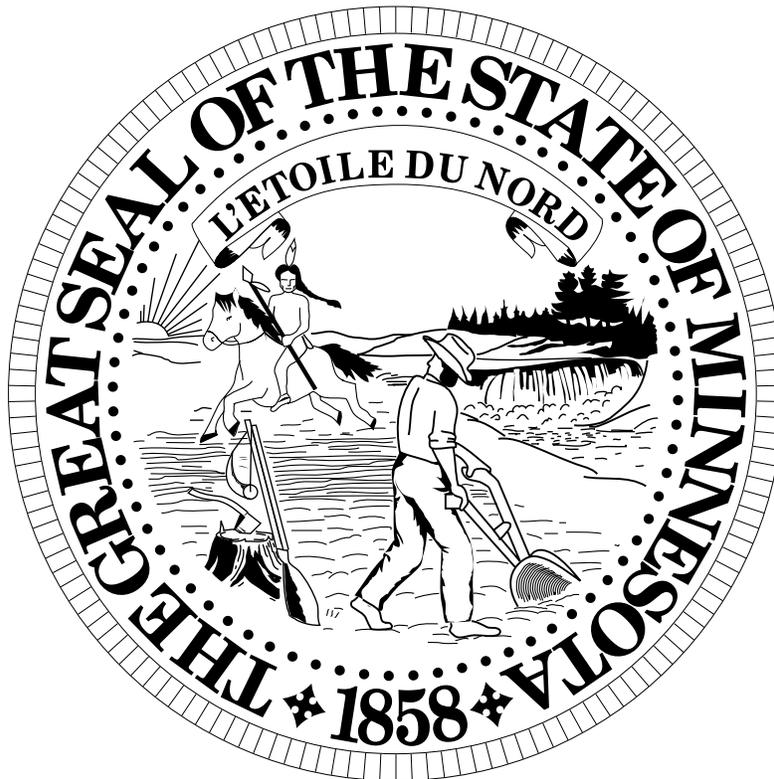


State of Minnesota

# State Register

Rules and Official Notices Edition



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Department of Administration – Communications Media Division

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# State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
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#45	Monday 29 April	Noon Wednesday 17 April	Noon Tuesday 23 April
#46	Monday 6 May	Noon Wednesday 24 April	Noon Tuesday 30 April
#47	Monday 13 May	Noon Wednesday 1 May	Noon Tuesday 7 May
#48	Monday 20 May	Noon Wednesday 8 May	Noon Tuesday 14 May

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The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

## Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

## Department of Agriculture

### Dairy and Food Division

## Proposed Permanent Rules Relating to Food

### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

**Proposed Amendment to Rules Governing Food, *Minnesota Rules*, 1520.0400, 1520.0500, 1520.1300, 1540.0010, 1540.0020, 1545.0220, 1545.0240, 1545.0340, 1545.0420, 1545.0640, 1550.3210, 1550.3250 and 1555.6680**

**Introduction.** The Department of Agriculture intends to adopt amendments to rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You may submit written comments on the proposed amendments and may also submit a written request that a hearing be held on the rules until May 29, 2002.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 W Plato Blvd., St. Paul, MN 55107; **phone:** (651) 296-6906; **fax:** (651) 297-5522; **email:** [carol.milligan@state.mn.us](mailto:carol.milligan@state.mn.us). **TTY** users may call the Minnesota Relay at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed amendments are updates to the rules governing food to keep standards and references current with federal regulations and *Minnesota Statutes*. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 29.27, 30.102, 31.101 and 31A.08. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on May 29, 2002 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on May 29, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules unless the procedure under part 1400.2110 has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules.

**Adoption and Review of Rules.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 11 April 2002

Sharon Clark  
Deputy Commissioner

### 1520.0400 STORAGE AND REFRIGERATION.

Egg handlers must have adequate space and storage facilities capable of maintaining processed eggs at a temperature of 45 degrees Fahrenheit (seven degrees centigrade) or less or 50 degrees Fahrenheit (ten degrees centigrade) or less for unprocessed eggs. All storage and transportation facilities must be maintained in a sanitary condition. Egg handlers must transport eggs in enclosed trucks that are sanitary and capable of maintaining eggs at an ambient air temperature of ~~50~~ 45 degrees Fahrenheit (~~ten~~ seven degrees centigrade) or less.

### 1520.0500 EGG CLEANING.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Washing equipment and procedures.** Egg washing is subject to items A to J.

[For text of items A to E, see M.R.]

F. ~~Only~~ Cleaning and sanitizing compounds approved by the United States Department of Agriculture may be used or chemicals guaranteed in writing by the manufacturer as acceptable for egg washing or sanitizing.

[For text of items G to J, see M.R.]

### 1520.1300 QUALITY STANDARDS.

Standards of quality for shell eggs must be in accordance with the United States Department of Agriculture Standards for Quality of Individual Shell Eggs and Weight Classes for Shell Eggs, ~~Code of Federal Regulations, title 7, part 2856, Agricultural Marketing Service (AMS 56.200 et seq.) effective December 26, 1978, as amended through May 1, 1994~~ April 6, 1995.

### 1540.0010 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **Animal.** "Animal" means cattle, sheep, swine, cervidae, bison, or goat.

Subp. 3. [See repealer.]

[For text of subps 4 to 14, see M.R.]

Subp. 15. **Meat.** "Meat" means the edible part of the muscle of cattle, sheep, swine, cervidae, bison, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying

fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout, or ears.

[For text of subs 16 to 28, see M.R.]

#### **1540.0020 EXEMPTIONS.**

Provisions of parts 1540.0010 to 1540.4520 shall apply to all slaughtering, packing, meat canning, rendering, or similar establishments in this state, in which carcasses or parts are prepared solely for intrastate commerce and which includes but is not limited to slaughterhouses, retail meat markets, wholesale meat processing establishments, frozen food processing plants, and sausage plants; provided that except as provided in item B the parts of this chapter requiring mandatory antemortem and postmortem inspection of the slaughtering of animals in the preparation of carcasses shall apply to all commercial slaughterhouses and shall not apply:

[For text of item A, see M.R.]

B. to the custom slaughter by any person of cattle, sheep, swine, or goats delivered by the owner for slaughter, and the preparation by a slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, meat, and meat food products of animals, exclusively for use in the household of the owner, by the owner and members of the owner's household and nonpaying guests and employees; provided, that all meat derived from custom slaughter of cattle, sheep, swine, cervidae, bison, or goats shall be identified and handled as required by the commissioner, during all phases of slaughtering, chilling, cooling, freezing, preparation, storage, and transportation; provided further, that the custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat, or meat food products of any animals capable of use as human food unless the carcasses, parts of carcasses, meat, or meat food products have been inspected and passed and are identified as having been inspected and passed by the Minnesota Department of Agriculture or the United States Department of Agriculture.

#### **1545.0220 LABELING OF GRADED MEAT.**

No person, as defined in *Minnesota Statutes*, section 31.01, subdivision 2, shall advertise, label, or sell any meat or meat product as "prime," "choice," "~~good select~~," "commercial," "standard," or "utility" unless the meat or meat product so advertised, labeled, or sold is derived from meat which actually bears the USDA federal meat grading stamp designating such grade.

#### **1545.0240 TEMPERATURE OF PRODUCT.**

The product temperature of all readily perishable meat, poultry, and fish products intended for human consumption including but not limited to meat products which are labeled to include "perishable," "keep refrigerated," or a similar term shall be maintained at a temperature of ~~40~~ 41 degrees Fahrenheit (five degrees centigrade), or lower, or ~~450~~ 140 degrees Fahrenheit (60 degrees centigrade), or higher, during storage and while being displayed or offered for sale.

#### **1545.0340 MEAT.**

"Meat" is the properly dressed flesh derived from cattle, ~~from~~ bison, cervidae, swine, ~~from~~ sheep, or ~~from~~ goats sufficiently mature and in good health at the time of slaughter, but is restricted to that part of the striated muscle which is skeletal, or that which is found in the tongue, in the diaphragm, in the heart, or in the esophagus and does not include that found in the lips, in the snout, or in the ears; with or without the accompanying and overlying fat and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the flesh and which may not have been separated from it in the process of dressing it for sale.

#### **1545.0420 MEAT BY-PRODUCTS.**

"Meat by-products" are any clean, sound, and properly dressed edible parts other than meat which have been derived from one or more carcasses of cattle, ~~of~~ bison, cervidae, swine, ~~of~~ sheep, or ~~of~~ goats sufficiently mature and in good health at the time of slaughter.

#### **1545.0640 MEAT FOOD PRODUCTS.**

"Meat food products" are any articles of food or any articles that enter into the composition of food which are not prepared meats but which are derived or prepared, in whole or in part, by a process of manufacture from any portion of the carcasses of cattle, bison, cervidae, swine, sheep, or goats if such manufactured portion be all or a considerable and definite portion of the article except such preparations as are for medicinal purposes only.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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### 1550.3210 PRODUCT QUALITY.

Subpart 1. **Standards.** Bottled water must be from an approved source and must not contain anything in a quantity that may be injurious to health. Bottled water must meet the standards in ~~Code of Federal Regulations, title 21, part 103~~ Minnesota Statutes, section 31.101, subdivision 8, and other rules adopted by the department.

Subp. 2. **Microbiological quality.** Bottled water must meet the standard of microbiological quality in item A or B if a sample of analytical units of equal volume is examined by the methods described in applicable sections of "Standard Methods for the Examination of Water and Wastewater," ~~18th~~ 20th edition (~~1994~~ 1998), published by the American Public Health Association. The commissioner may accept other official methods of analysis when published in "Standard Methods for the Examination of Water and Wastewater." That publication is incorporated by reference, is not subject to frequent change, and is available at the state law library or from the American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005.

[For text of items A and B, see M.R.]

Subp. 3. **Physical quality.** Bottled water must meet the standards of physical quality in items A to C if a composite of analytical units of equal volume from a sample is examined by the method described in applicable sections of "Standard Methods for the Examination of Water and Wastewater," ~~18th~~ 20th edition (~~1994~~ 1998), which is incorporated by reference in subpart 2.

- A. The turbidity must not exceed five units.
- B. The color must not exceed 15 units.\*
- C. The odor must not exceed threshold odor No. 3.\*

\* Mineral water is exempt from the standard.

Subp. 4. **Chemical quality.**

[For text of item A, see M.R.]

B. Analyses conducted to determine compliance with this subpart must be made in accordance with the methods described in the applicable sections of "Standard Methods for the Examination of Water and Wastewater," ~~18th~~ 20th edition (~~1994~~ 1998), which is incorporated by reference in subpart 2, or "Methods for Chemical Analysis of Water and Wastes," Environmental Monitoring and Support Laboratory, EPA-600/4-82-055, March 1983, United States Environmental Protection Agency. Analyses for organic substances must be determined by appropriate methods described in "Methods for Organochlorine Pesticides in Industrial Effluents" and "Methods for Chlorinate Phenoxy Acid Herbicides in Industrial Effluents," November 28, 1973, and "Part I: The Analysis of Trihalomethanes in Finished Waters by the Purge and Trap Method," Method 501.1 and "Part II: The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," Method 501.2 in *Code of Federal Regulations*, title 40, part 141, Appendix C.

[For text of subs 5 and 6, see M.R.]

### 1550.3250 LABELING REQUIREMENTS.

Bottled water must conform to ~~applicable federal and state labeling requirements~~ Minnesota Statutes, section 31.101, subdivision 8, and be labeled in compliance with items A to L.

[For text of items A to L, see M.R.]

### 1555.6680 GRADE EXCEPTIONS.

~~The label on packaged potatoes, the label of which declares must include a United States grade in lieu of a Minnesota consumer grade and which otherwise are labeled in accordance with parts 1555.6540 to 1555.6710, shall be permitted to be sold at retail in Minnesota.~~

**REPEALER.** Minnesota Rules, part 1540.0010, subpart 3, is repealed.

**INCORPORATION BY REFERENCE:** Part 1550.3210, subpart 2: "Standard Methods for the Examination of Water and Wastewater," 20th edition (1998), published by the American Public Health Association, is available at the state law library or from the American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005.

**Department of Agriculture  
Dairy and Food Division****Proposed Permanent Rules Relating to Repeal of Certain Food Rules  
NOTICE OF INTENT TO REPEAL OBSOLETE RULES**

**Proposed Repeal of Rules Governing Meat Inspection; Meat, Fish and Poultry; General Food Rules; and Food Standards, *Minnesota Rules*, 1540.0580, 1540.1390, 1540.2460, 1540.3140 - 1540.3410, 1540.3510, 1540.3580, 1540.3590, 1540.3650 - 1540.3750, 1540.3770, 1540.3790 - 1540.3940, 1540.4130, 1540.4160 - 1540.4180, 1540.4230 - 1540.4260, 1540.4280, 1540.4310, 1540.4380 - 1540.4440; 1545.0010 - 1545.0140, 1545.0240, 1545.0330 - 1545.0350, 1545.0420 - 1545.1480, 1545.1730, 1545.1800 - 1545.1850, 1545.2080 - 1545.2720, 1545.2740 - 1545.2830; 1550.0050, 1550.0070, 1550.0210 - 1550.0270, 1550.0300, 1550.0310, 1550.3040, 1550.0590, 1550.0610, 1550.0620, 1550.0860, 1550.0990, 1550.1640, 1550.2110; 1555.6340 - 1555.6650, 1555.6670 - 1555.6710.**

**Introduction.** The Department of Agriculture intends to repeal obsolete rules following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.3895.

**Agency Contact Person.** Comments or questions on the repeal and written requests that the agency proceed to a public hearing on the repeal in accordance with *Minnesota Statutes*, sections 14.131 to 14.20 or proceed to repeal the rule without a public hearing in accordance with *Minnesota Statutes*, sections 14.22 to 14.28 must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 W Plato Blvd., St. Paul, MN 55107; **phone:** (651) 296-6906; **fax:** (651) 297-5522; **email:** [carol.milligan@state.mn.us](mailto:carol.milligan@state.mn.us). **TTY** users may call the Minnesota Relay at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed repeal is about obsolete rules that set standards for meat inspections, labeling statements manufacturing, and additives; set meat, fish and poultry identity and processing standards; set labeling requirements for food products; and set grading standards for potatoes and apples. The statutory authority to repeal the rules is *Minnesota Statutes*, sections 28.13, 28A.10, 30.102, 30.55, 31.101, 31.11, 31.54, and 31A.08. A copy of the proposed repeal is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on June 28, 2002 to submit written comment in support of or in opposition to the proposed repeal and any part or subpart of the repeal. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed repeal addressed and the reason for the comment. You are encouraged to propose that any part or subpart not be repealed. Any comments that you would like to make on the legality of the proposed repeal must also be made during this comment period.

**Request for an Alternate Process.** If 25 or more people submit a written request, the agency will have to meet the requirements of sections 14.131 to 14.20 for rules adopted after a public hearing or the requirements of section 14.22 to 14.28 for rules adopted without a public hearing, including preparation of a statement of need and reasonableness and the opportunity for a hearing. Your request must be in writing and must be received by the agency contact person by 4:30 p.m. on June 28, 2002. Your written request for an alternate process must include your name and address. You must identify the portion of the proposed rule which you feel should not be repealed or state that you oppose the entire repeal. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether an alternate process is necessary. You are also encouraged to state the reason for the request.

**Modifications.** The proposed repeal may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, but modifications can only alter which rules or parts are being repealed. If the proposed repeals affect you in any way, you are encouraged to participate in the repeal process.

**Adoption and Review of Rules.** If no alternate process is required, the agency may repeal the rules after the end of the comment period. The repealed rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the repeal is submitted to the office. If you want to be so notified, or want to receive a copy of the repealer, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 11 April 2002

Sharon Clark  
Deputy Commissioner

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

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## Proposed Rules

### 1540.0590 HOT WATER UNDER PRESSURE.

Hot water for cleaning rooms and equipment ~~other than those mentioned in part 1540.0580~~ shall be delivered under pressure to sufficient convenient outlets and shall be of such temperature as to accomplish a thorough cleanup.

### 1540.2030 ANIMALS SLAUGHTERED WITHOUT ANTEMORTEM AND POSTMORTEM INSPECTION.

Except as provided under provisions for custom processing in parts ~~1540.4450~~ 1540.4455 to 1540.4490; no carcass of an animal which has not had antemortem and postmortem inspection in accordance with these parts shall be brought into an official establishment.

### 1540.2470 MARKING FOR CERTAIN ADDED INGREDIENTS.

When cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk, or nonfat dry milk is added to sausage ~~within the limits prescribed under part 1545.0010~~, the product shall be marked with the name of each of such added ingredients, as for example, "cereal added," "potato flour added," "cereal and potato flour added," "soya flour added," "nonfat dry milk added," "cereal and nonfat dry milk added," etc., as the case may be. On sausage of the smaller varieties, the marking prescribed in this part may be limited to links bearing the inspection legend.

### 1540.2870 FALSE IMPRESSION OR FALSE INDICATION OF ORIGIN OR QUALITY.

No statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality shall appear on any label. For examples, see parts 1540.2880 to ~~1540.3400~~ 1540.3130.

### 1540.3030 CEREAL, VEGETABLE STARCH, STARCHY VEGETABLE FLOUR, SOYA FLOUR, DRIED MILK, OR NONFAT DRY MILK.

When cereal, vegetable starch, starchy vegetable flour, soya flour, dried milk, or nonfat dry milk is added to sausage ~~within the limits prescribed under part 1545.0010~~, there shall appear on the label in a prominent manner, contiguous to the name of the product the name of each such added ingredients, as for example, "cereal added," "potato flour added," "cereal and potato flour added," "soya flour added," "nonfat dry milk added," "cereal and nonfat dry milk added," as the case may be.

### 1540.3530 PRODUCT ENTERING OFFICIAL ESTABLISHMENTS.

Except as provided in parts 1540.2030 and ~~1540.4440~~ 1540.4455 to 1540.4510, no product shall be brought into an official establishment unless it has been federally inspected, state inspected, or state approved inspected and passed, nor unless it can be identified by marks, seals, brands, or labels as having been so inspected and passed. All products brought into an official establishment in compliance with this chapter shall be identified and reinspected at the time of receipt, and be subjected to further reinspection in such manner and at such times as may be deemed necessary. If upon such reinspection any article is found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, the original mark, stamp, or label shall be removed or defaced and the article condemned.

### 1540.4455 IDENTIFICATION OF CARCASS.

In state licensed establishments each custom processed carcass must be identified ~~as described in part 1540.4450~~ immediately after being slaughtered, eviscerated, and rinsed. Such identification must be made of each carcass and part of carcass prior to being moved from the slaughter room to the drip cooler or elsewhere.

### 1540.4460 IDENTIFICATION DURING PROCESSING.

All product on hand which is being or has been custom processed must be clearly identified ~~as required in part 1540.4450~~ during all stages of processing, cooling, packaging, freezing, storage, and shipment. Each batch of custom processed product being ground, chopped, mixed, or cut up must be identified ~~as required in part 1540.4450~~ by using a tag or other approved device placed directly on the product or the container, table, shelf, or equipment holding such product.

### 1540.4480 IDENTIFYING PRODUCT DERIVED FROM FARM SLAUGHTER.

Any product received at a state licensed establishment which does not bear the federal or state meat inspection legend must be immediately identified and kept marked and identified as required by parts ~~1540.4450 to part~~ 1540.4460.

### 1540.4490 PRODUCT DERIVED FROM GAME.

Venison and other product derived from game animals received for custom processing or storage at a state licensed establishment must be handled and identified in the same manner as is specified for products under ~~parts 1540.4450 to part~~ 1540.4460.

**1545.0200 USE OF TENDERIZING SOLUTIONS.**

Meat tenderizing solutions consisting of water, salt, monosodium glutamate, papain, or other ingredients approved by the commissioner of agriculture may be applied or injected into primal cuts or consumer cuts of beef provided all treated beef cuts shall be branded, stamped, or labeled with a term specifying the specific tenderizing solution applied such as “dipped in a solution of papain” or “treated with a solution of papain and bromelin” in addition to all other required labeling during all stages of processing, storage, transportation, and sale. ~~Treated beef cuts shall be identified as required by parts 1545.0030 to 1545.0770 until received by the ultimate consumer or purveyor of meals;~~ Treatment of the product shall not result in a gain in weight of more than three percent above the weight of the untreated product.

**1545.0300 LABELING GROUND BEEF PRODUCTS.**

Ground beef products intended as food for human consumption in sandwich, package, bulk, or patty form which use “ground beef” or “chopped beef” as the name of the product or as part of the name of the product shall contain no meat or meat products other than meat or meat products which ~~meet the requirements of part 1545.0720~~ comply with *Minnesota Rules*.

**1545.0310 LABELING HAMBURGER PRODUCTS.**

Hamburger products intended as food for human consumption in sandwich, package, bulk, or patty form which use “hamburger” or “burger” as the name of the product or as part of the name of the product shall contain no meat or meat product other than meat or meat products which ~~meet the requirements of part 1545.0710~~ comply with *Minnesota Rules*.

**1555.6660 PACKAGED POTATOES LABELING.**

~~Except as noted in part 1555.6710, All potatoes offered for sale in packaged form (closed containers), in addition to one of the grades specified in parts 1555.6550 to 1555.6580:~~

A. shall be labeled with the name “potatoes,” the net weight, and the name and address, including the zip code, of the packer or distributor, and said label shall not be false or misleading in any particular. If the distributor’s name is used, it shall be qualified with the word “distributor” or its equivalent. The variety of potatoes may be named on the label, and, if the variety is named, the potatoes in the labeled container shall conform to the variety named. Tag labels, ~~as described in part 1555.6670,~~ may be used;

B. shall not be packaged in a transparent container which is artificially colored ~~as described in part 1555.6540;~~ and

C. shall not be labeled unclassified.

**REPEALER.** *Minnesota Rules*, parts 1540.0580; 1540.1390; 1540.2460; 1540.3140; 1540.3150; 1540.3160; 1540.3170; 1540.3180; 1540.3190; 1540.3200; 1540.3210; 1540.3220; 1540.3230; 1540.3240; 1540.3250; 1540.3260; 1540.3270; 1540.3280; 1540.3290; 1540.3300; 1540.3310; 1540.3320; 1540.3330; 1540.3340; 1540.3350; 1540.3360; 1540.3370; 1540.3380; 1540.3390; 1540.3400; 1540.3410; 1540.3510; 1540.3580; 1540.3590; 1540.3650; 1540.3660; 1540.3670; 1540.3680; 1540.3690; 1540.3710; 1540.3720; 1540.3730; 1540.3740; 1540.3750; 1540.3770; 1540.3790; 1540.3800; 1540.3810; 1540.3820; 1540.3830; 1540.3840; 1540.3850; 1540.3860; 1540.3870; 1540.3880; 1540.3890; 1540.3900; 1540.3910; 1540.3920; 1540.3930; 1540.3940; 1540.4130; 1540.4160; 1540.4170; 1540.4180; 1540.4230; 1540.4240; 1540.4250; 1540.4260; 1540.4280; 1540.4310; 1540.4380; 1540.4390; 1540.4400; 1540.4410; 1540.4420; 1540.4430; 1540.4440; 1545.0010; 1545.0020; 1545.0030; 1545.0040; 1545.0050; 1545.0060; 1545.0070; 1545.0080; 1545.0090; 1545.0100; 1545.0110; 1545.0120; 1545.0130; 1545.0140; 1545.0240; 1545.0330; 1545.0340; 1545.0350; 1545.0420; 1545.0430; 1545.0440; 1545.0450; 1545.0460; 1545.0470; 1545.0480; 1545.0490; 1545.0500; 1545.0510; 1545.0520; 1545.0530; 1545.0540; 1545.0550; 1545.0560; 1545.0570; 1545.0580; 1545.0590; 1545.0600; 1545.0610; 1545.0620; 1545.0630; 1545.0640; 1545.0650; 1545.0660; 1545.0670; 1545.0680; 1545.0690; 1545.0700; 1545.0710; 1545.0720; 1545.0730; 1545.0740; 1545.0750; 1545.0760; 1545.0770; 1545.1480; 1545.1730; 1545.1800; 1545.1810; 1545.1820; 1545.1830; 1545.1840; 1545.1850; 1545.2080; 1545.2090; 1545.2100; 1545.2110; 1545.2120; 1545.2130; 1545.2140; 1545.2150; 1545.2160; 1545.2170; 1545.2180; 1545.2190; 1545.2200; 1545.2210; 1545.2220; 1545.2230; 1545.2240; 1545.2250; 1545.2260; 1545.2270; 1545.2280; 1545.2290; 1545.2300; 1545.2310; 1545.2320; 1545.2330; 1545.2340; 1545.2350; 1545.2360; 1545.2370; 1545.2380; 1545.2390; 1545.2400; 1545.2410; 1545.2420; 1545.2430; 1545.2440; 1545.2450; 1545.2460; 1545.2470; 1545.2480; 1545.2490; 1545.2500; 1545.2510; 1545.2520; 1545.2530; 1545.2540; 1545.2550; 1545.2560; 1545.2570; 1545.2580; 1545.2590; 1545.2600; 1545.2610; 1545.2620; 1545.2630; 1545.2640; 1545.2650; 1545.2660; 1545.2670; 1545.2680; 1545.2690; 1545.2700; 1545.2710; 1545.2720; 1545.2740; 1545.2750; 1545.2760; 1545.2770; 1545.2780; 1545.2790; 1545.2800; 1545.2810; 1545.2820; 1545.2830; 1550.0050; 1550.0070; 1550.0210; 1550.0220; 1550.0230; 1550.0240; 1550.0250; 1550.0260; 1550.0270; 1550.0300; 1550.0310; 1550.0340;

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## Proposed Rules

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1550.0590; 1550.0610; 1550.0620; 1550.0860; 1550.0990; 1550.1640; 1550.2110; 1555.6330; 1555.6340; 1555.6350; 1555.6360; 1555.6365; 1555.6370; 1555.6380; 1555.6390; 1555.6400; 1555.6410; 1555.6420; 1555.6430; 1555.6440; 1555.6450; 1555.6460; 1555.6470; 1555.6480; 1555.6490; 1555.6500; 1555.6510; 1555.6520; 1555.6530; 1555.6540; 1555.6550; 1555.6560; 1555.6570; 1555.6580; 1555.6590; 1555.6600; 1555.6610; 1555.6620; 1555.6630; 1555.6640; 1555.6650; 1555.6670; 1555.6680; 1555.6690; 1555.6700; and 1555.6710, are repealed.

## Pollution Control Agency

### Regional Environmental Management Division

#### Proposed Permanent Rules Relating to Individual Sewage Treatment Systems

#### NOTICE OF INTENT TO ADOPT AND REPEAL RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendment to and Repeal of Rules Governing Individual Sewage Treatment Systems, *Minnesota Rules* 7080.0020, 7080.0060, 7080.0130, 7080.0150, 7080.0170, 7080.0305 and 7080.0310

**Introduction.** The Minnesota Pollution Control Agency (MPCA) intends to adopt and repeal rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules* 1400.2300 to 1400.2310. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until 4:00 on Friday, May 31, 2002.

**MPCA Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the MPCA contact person. The MPCA contact person is Mark Wespetal, Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota, 55155-4194, **phone:** (651) 296-9322, **email:** [Mark.Wespetal@pca.state.mn.us](mailto:Mark.Wespetal@pca.state.mn.us). **TTY** users may call the MPCA at (651) 282-5332 or 1-800-657-3864.

**Subject of Rules and Statutory Authority.** The proposed amendments are about the design of individual sewage treatment systems. The statutory authority to adopt the rules is *Minnesota Statutes* § 115.55, subd. 3. A copy of the proposed rule is published in the *State Register* and enclosed with this notice as mailed. The amendments consist of several corrections and changes to existing rule language and the repeal of two rule parts that corresponded to statutory provisions that have been repealed. The corrections and changes affect:

1. The location of mound systems;
2. Pipe specifications;
3. The required separation distance to ground water;
4. The date of submittal of ordinance annual reports; and
5. Repeal of New Technology Designation and Warrantied System Designation.

**Comments.** You have until 4:00 p.m. on Friday May 31, 2002, to submit written comment in support of, or in opposition to, the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:00 p.m. on May 31, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the MPCA when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules. Persons considering requesting a hearing are encouraged to contact the MPCA contact listed above to discuss issues and clarify the need for a hearing.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, a public hearing may be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the MPCA must give written notice of this to all persons who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

**Alternative Format.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the MPCA contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the MPCA contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained from the MPCA contact person listed above.

**Adoption and Review of Rules.** If no hearing is required, the MPCA may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person listed above.

Karen A. Studders  
Commissioner  
Minnesota Pollution Control Agency

#### **7080.0020 DEFINITIONS.**

[For text of subs 1 to 3b, see M.R.]

Subp. 4. **Alternative system.** “Alternative system” means an individual sewage treatment system employing methods and devices presented in part 7080.0172 ~~or as designated by the commissioner in part 7080.0400, subpart 2.~~

[For text of subs 4a to 44, see M.R.]

Subp. 45. **Standard system.** “Standard system” means an individual sewage treatment system specified in parts 7080.0065 to 7080.0170, and 7080.0600 ~~and as designated by the commissioner under part 7080.0400, subpart 4.~~

[For text of subs 45a to 54, see M.R.]

#### **7080.0060 COMPLIANCE CRITERIA.**

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Compliance criteria.** Individual sewage treatment systems shall be considered in compliance if the provisions in items A to E are satisfied.

[For text of item A, see M.R.]

B. (1) All systems built after March 31, 1996, or in an SWF area shall have a three-foot vertical separation as measured outside the area of system influence in an area of similar soil; and

[For text of subitem (2), see M.R.]

[For text of items C to E, see M.R.]

#### **7080.0130 SEWAGE TANKS.**

[For text of subs 1 to 4, see M.R.]

Subp. 6. **Aerobic tanks.** Aerobic tank treatment systems shall comply with subparts 1 and 4, and with items A to E.

[For text of items A and B, see M.R.]

C. No additional reduction in trench or bed bottom area or absorption area shall be allowed with the use of an aerobic tank except for systems meeting the requirements in part 7080.0178; ~~or 7080.0179, 7080.0400, or 7080.0450.~~

[For text of items D and E, see M.R.]

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## Proposed Rules

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### 7080.0150 DISTRIBUTION OF EFFLUENT.

#### Subpart 1. General.

A. Supply pipes must be designed, installed, and protected so that effluent will not freeze in the pipe.

B. Supply pipes ~~and distribution pipes must meet the strength requirements of American Society for Testing and Materials (ASTM) schedule 40 plastic pipe, and must~~ be supported in a manner so that there is no deflection or longitudinal bending during the backfilling and subsequent settling of the soil.

[For text of subps 2 and 3, see M.R.]

### 7080.0170 FINAL TREATMENT AND DISPOSAL.

[For text of subps 1 to 4, see M.R.]

#### Subp. 5. Mounds.

A. Location of mounds.

(1) Mounds must ~~be constructed on original soils and~~ provide at least 36 inches of vertical separation between the bottom of the drainfield rock bed and saturated soil or bedrock.

(2) ~~There must be at least~~ Absorption areas of mounds must be original soil. The upper 12 inches of original soil with the absorption area must have a percolation rate faster than 120 minutes per inch or have a numerical absorption ratio listed in Table Va below the absorption area. The upper 12 inches of the absorption area must also be above the saturated soil or bedrock.

[For text of subitems (3) and (4), see M.R.]

[For text of item B, see M.R.]

[For text of subps 6 and 7, see M.R.]

### 7080.0305 GENERAL REQUIREMENTS FOR LOCAL ORDINANCES.

[For text of subpart 1, see M.R.]

Subp. 2. **General requirements for county, town, and city local ordinances.** Local ordinances to regulate individual sewage treatment systems shall incorporate provisions of parts 7080.0020 and 7080.0060 to 7080.0176. Counties may adopt alternative local standards in local ordinances if the requirements of subpart 6 are met. For all local ordinances, items A to E apply.

[For text of items A to C, see M.R.]

D. ~~Warranted systems (7080.0450), and~~ Design options under part 7080.0172 may be employed unless specifically prohibited, in whole or in part, by local ordinance.

[For text of item E, see M.R.]

[For text of subps 3 to 10, see M.R.]

### 7080.0310 PERMIT PROGRAM FOR INDIVIDUAL SEWAGE TREATMENT SYSTEMS

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Recordkeeping requirements.** Local units of government must maintain copies of certificates of compliance, notices of noncompliance, permit applications, issued permits, enforcement proceedings, variance requests, and other actions taken. Records must be available for review by the commissioner. Permit files must also include:

A. site evaluation reports including items identified in part 7080.0110;

B. design reports for items identified in part 7080.0115 ~~and warranties~~;

[For text of items C to E, see M.R.]

Subp. 5. **Reporting requirements.** Local units of government must submit annual reports to the commissioner to demonstrate enforcement of the local ordinance. The reports shall ~~be submitted by March 1, 2001, and~~ contain information from the previous calendar year and shall be received by the commissioner no later than ~~March~~ February 1 of each succeeding year. At a minimum, the reports must include:

[For text of items A to C, see M.R.]

D. the number and type of systems, including number of mound systems; at-grade systems; seepage beds; gravelless, chamber, and drainfield rock trenches; alternative, ~~warranted~~, and performance systems; and other systems; estimated total number of systems and estimated percentage in compliance within their jurisdictional boundaries; and

[For text of item E, see M.R.]

[For text of subs 6 and 7, see M.R.]

## Minnesota Pollution Control Agency

### Division of Environmental Outcomes

#### Proposed Permanent Rules Relating to the Water Quality Assessment Process

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received**

**Proposed Amendment to Rules Governing the Water Quality Assessment Process for Waters of the State, Minnesota Rules 7050.0150, 7050.0210, 7050.0222, and 7050.0470**

**Introduction.** The Minnesota Pollution Control Agency (MPCA or Agency) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules* 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. CDT on May 31, 2002, a public hearing will begin on Wednesday, June 12, 2002, from 9:30 a.m. until noon in the MPCA Board room at 520 Lafayette Road North, St. Paul, Minnesota 55155. This hearing session will resume at 1:30 p.m. if additional time is needed to address public comments. The hearing will continue in additional locations as follows:

- on Thursday, June 13, starting at 7:00 p.m. at the MPCA Duluth Office Building, 525 Lake Avenue South, Suite 400, Duluth, Minnesota;
- on Friday, June 14, starting at 7:00 p.m. at the Detroit Lakes City Administration Building, 1025 Roosevelt Avenue, Detroit Lakes, Minnesota; and
- on Monday, June 17, from 1:00 to 4:30 p.m. at the Mankato Holiday Inn, Hughes Room, 101 East Main Street, Mankato, Minnesota. This session will resume at 7:00 p.m., at the same location.

To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the Agency contact person after May 31, 2002 and before June 12, 2002.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the Agency contact person. The Agency contact person is:

David Maschwitz  
Minnesota Pollution Control Agency  
Environmental Outcomes Division  
520 Lafayette Road North  
St. Paul, MN 55155  
**Phone:** (651) 296-7255  
**Email:** [david.maschwitz@pca.state.mn.us](mailto:david.maschwitz@pca.state.mn.us)  
**MN Toll Free:** 1-800-657-3864  
**Fax:** (651) 297-7709  
TTY users may call the Agency teletypewriter at (651) 282-5332 or 1-800-657-3864.

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Proposed Rules

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**Subject of Rules.** *Minnesota Rules* ch. 7050 contains statewide provisions that protect the quality of Minnesota's surface and ground waters from pollution. Included in this rule are:

- A classification system of beneficial uses for both surface and ground waters
- Numerical and narrative water quality standards
- Nondegradation provisions
- Treatment requirements and effluent limits for wastewater discharges
- Provisions for the protection of wetlands
- Other provisions related to the protection of Minnesota's water resources

The subject of the proposed revisions to Chapter 7050 in this rulemaking is limited to only one of these areas, narrative water quality standards. More specifically, it concerns the addition of a series of "factors" that describe the types of data and information the Agency uses to determine whether rivers and lakes are meeting narrative water quality standards. This process is referred to as water quality assessment. The only other changes being proposed at this time are the relocation of one provision from *Minnesota Rules* 7050.0150 to 7050.0210 with no substantive change, and the correction of a two typographical errors: one in *Minnesota Rules* 7050.0222, subp. 4, and one in *Minnesota Rules* 7050.0470, subp. 1, item B, subitem (128).

*Minnesota Rules* 7050.0150 and 40 CFR pt.130, reference the current water quality assessment process. The proposed rule amendments are intended to clarify this process and, therefore, are interpretive in nature rather than substantive. No new or revised water quality standards, effluent limits, or other requirements are being proposed. Because the proposed amendments are strictly interpretative, no party will incur new or additional costs due to the proposed amendments.

The Agency uses the water quality assessment process to create the 303(d) list of Minnesota surface waters that are not meeting one or more water quality standard and do not support designated beneficial uses. The list is required by 40 CFR pt. 130.7. A total maximum daily load (TMDL) analysis is conducted for waters on the 303(d) list to determine the source(s) of the pollution and to prepare a plan to bring the waterbody back into compliance with water quality standards.

The Agency is proposing the rule revisions at this time in response to a letter and petition dated November 13, 2000, from four parties asking the Agency to adopt "factors" into *Minnesota Rules* ch. 7050. The petition focuses on narrative water quality standards related to the impacts of excess nutrients on lakes.

This notice pertains to the proposed changes to *Minnesota Rules* ch. 7050 that incorporate factors concerning impairment due to nutrient over-enrichment, impairment of the biological community and aquatic habitat, and impairment of waters relating to fish for human consumption, as well as the three non-substantive changes identified above. These rule revisions do not deal with the next 303(d) list, due to be submitted to the U.S. Environmental Protection Agency in October 2002.

**Public participation.** There has been considerable public involvement in developing the proposed rule amendments. Agency staff had a series of meetings in 2000 and 2001 with a diverse group of stakeholders interested in the TMDL process. This group was formed independent of the Agency. Stakeholders on the committee included, but was not limited to:

- Association of Minnesota Counties
- Clean Water Action Alliance
- Cliffs Mining
- Coalition of Greater Minnesota Cities (Flaherty and Hood)
- Eveleth Taconite
- Farm Bureau
- League of Minnesota Cities
- Metropolitan Council, Environmental Services
- Minnesota Association of Small Cities
- Minnesota Center of Environmental Advocacy
- Minnesota Chamber of Commerce
- Minnesota Environmental Science and Economic Review Board (Flaherty and Hood)
- Minnesota Lakes Association
- Minnesota Power
- Western Lake Superior Sanitary District

In addition to meetings with the stakeholders, the Agency held eight informational meetings around the state during December 2001.

**Statutory Authority.** Statutory authority to amend and adopt rules under Chapter 7050 comes from *Minnesota Statutes* § 115.03, subd. 1, and § 115.44, which authorizes the Agency to adopt water quality standards for waters of the state. Section 115.03, subd. 1, provides broad authority to develop standards and other water quality programs. Section 115.44 provides more explicit authority to establish a classification system of beneficial uses for waters of the state, both surface and ground, and to set water quality standards to protect those uses.

**Rule Availability.** The proposed changes to *Minnesota Rules* ch. 7050 are published after this notice in the *State Register* or they can be viewed on the Agency Internet web site at <http://statsbox.pca.state.mn.us/pca/news/index.cfm?PN=1> under the "Agency Public Notice" menu for April 29, 2002. A free copy of the proposed rules is available upon request by calling Mary Osborn at (651) 296-7523. However, as an effort to save state funds, only one copy will be sent per request.

**Comments.** You have until 4:30 p.m. CDT on Friday, May 31, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the Agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the Agency contact person by 4:30 p.m. CDT on Friday, May 31, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the Agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the Agency must give written notice of this to all persons who requested a hearing, explain the actions the Agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Agency will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the Agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the Agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for Wednesday, June 12, 2002, and subsequent hearings, will be canceled if the Agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the Agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the Agency contact person at (651) 296-7255 after May 31, 2002, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes* §§ 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kenneth Nickolai is assigned to conduct the hearing. Judge Nickolai can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 341-7640, and **fax:** (612) 349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public

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## Proposed Rules

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hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the Agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. CDT on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules* 1400.2000 to 1400.2240, and *Minnesota Statutes* §§ 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The Agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the Agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed at the Agency or on the Agency Internet web site at <http://statsbox.pca.state.mn.us/pca/news/index.cfm?PN=1> under the "Agency Public Notice" menu for April 29, 2002. A copy can be purchased for the cost of reproduction, \$17.50, by calling Mary Osborn at (651) 296-7523.

**Guidance Document.** Agency staff has developed an extensive guidance manual that establishes Agency procedures for staff conducting water assessments. This document is an exhibit of the statement of need and reasonableness and the subject of many public input meetings during the development of the proposed rules. The guidance document called *Guidance Manual for Assessing the Quality of Minnesota Surface Waters for the Determination of Impairment. 305(b) Report and 303(d) List*, may also be reviewed at the Agency or on the Agency Internet web site at <http://www.pca.state.mn.us/water/tmdl.html>. A copy can be purchased for the cost of reproduction, \$18, by calling Mary Osborn at (651) 296-7523.

**Lobbyist Registration.** *Minnesota Statutes* ch. 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **phone:** (651) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the Agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Agency to receive notice of future rule proceedings, submit your request to the Agency contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the Agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the Agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 12 April 2002

Karen A. Studders  
Commissioner

### **7050.0150 DETERMINATION OF COMPLIANCE WITH WATER QUALITY STANDARDS AND WATER QUALITY CONDITION AND COMPLIANCE.**

**Subpart 1. Policy and scope.** The intent of the state is to protect and maintain surface waters in a condition which allows for the maintenance of all existing beneficial uses. The condition of a surface water body is determined by its physical, chemical, and biological qualities. The narrative water quality standards in subpart 3 prescribe the qualities or properties of surface waters that are necessary for the protection of designated public uses and benefits. If the narrative standards in this part are exceeded, it is considered indicative of a polluted condition which is actually or potentially deleterious, harmful, detrimental, or injurious with respect to the designated uses of the waters of the state.

Subparts 5 to 7 list factors the commissioner will use to determine if surface waters are in compliance with applicable narrative standards in subpart 3. Determination of compliance with the narrative standards will be made for individual water bodies on a case by case basis.

The biological quality of any given surface water body shall be assessed by comparison to the biological integrity of a reference condition or conditions which best represents the most natural condition for that surface water body type within a geographic region. The biological quality shall be determined by reliable measures of indicative communities of fauna and flora.

Subp. 2. Other standards preserved. The requirements of this part are in addition to the application of other narrative or numerical water quality standards in this chapter. If the requirements of this part conflict with any other narrative or numerical standard in this chapter, the more stringent standard applies.

Subp. 3. Narrative standards. For all Class 2 waters the aquatic habitat, which includes the waters of the state and stream bed, shall not be degraded in any material manner, there shall be no material increase in undesirable slime growths or aquatic plants, including algae, nor shall there be any significant increase in harmful pesticide or other residues in the waters, sediments, and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent and the use thereof shall not be seriously impaired or endangered, the species composition shall not be altered materially, and the propagation or migration of the fish and other biota normally present shall not be prevented or hindered by the discharge of any sewage, industrial waste, or other wastes to the waters.

Subp. 4. Definitions. For the purposes of this part, the following terms have the meanings given them.

A. “Chlorophyll-a” means a pigment in green plants including algae. The concentration of chlorophyll-a, expressed in weight per unit volume of water, is a measurement of the abundance of algae.

B. “Ecoregion” means an area of relative homogeneity in ecological systems based on similar soils, land use, land surface form, and potential natural vegetation.

C. “Hydraulic residence time” means the time water resides in a basin, usually a lake or reservoir; or alternately, the time it would take to fill the basin if it were empty. Hydraulic residence time is often determined over a range of flow conditions.

D. “Impaired water” or “impaired condition” means a water body that does not meet applicable water quality standards due in whole or in part to pollutants from point or nonpoint sources, or any combination thereof.

E. “Index of biological integrity” or “IBI” means an index, usually numeric, that represents the health of aquatic communities. The IBI is developed by measuring attributes of the community that change in quantifiable and predictable ways in response to human disturbance.

F. “Lake morphometry” means the physical characteristics of the lake basin, including, for example, maximum length and width, maximum and mean depth, area, volume, and shoreline configuration.

G. “Mixing status” means the frequency of complete mixing of the lake water from surface to bottom, which is determined by whether temperature gradients are established and maintained in the water column during the summer season. Mixing is typically a function of the lake’s location, morphometry, and exposure to wind energy.

H. “Nuisance algae bloom” means an excessive population of algae that causes, for example, obvious green or blue-green pigmentation in the water, floating mats of algae, reduced light transparency, aesthetic degradation, loss of recreational value, possible harm to the aquatic community, or possible toxicity to animals and humans. Algae blooms are measured using reliable data for relevant factors including, but not limited to, chlorophyll-a, Secchi disk, and impaired recreational and aesthetic conditions observed by the users of the water body.

I. “Readily available and reliable data and information” means chemical, biological, and physical data and information determined by the commissioner to meet the quality assurance and quality control requirements in subpart 8, and are normally not more than ten years old from the time it is used for the assessment. Data more than ten years old can be used if credible scientific evidence shows that the older data is representative of current conditions.

J. “Reference water body” means a water body least impacted by point or nonpoint sources of pollution that is used as a base for comparing the quality of similar water bodies in the same ecoregion or watershed.

K. “Secchi disk transparency” means the average water depth of the point where a weighted white or black and white disk disappears when viewed from the shaded side of a boat, and the point where it reappears upon raising it after it has been lowered beyond visibility. The Secchi disk measures water clarity and is usually used in lakes.

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L. “Summer-average” means the average of concentrations or measurements of nutrient enrichment factors, taken over one summer growing season, usually from June 1 through September 30.

M. “Transparency tube” means a graduated clear plastic tube, 24 inches or more in length by 1-1/2 inches in diameter, with a stopper at the bottom end, the inside surface of which is painted black and white. The tube is filled with water from a surface water; the water is released through a valve at the bottom end until the painted surface of the stopper is just visible through the water column when viewed from the top of the tube. The depth of water at the point of initial visibility is the transparency. The transparency tube measures water clarity and is usually used in rivers and streams.

N. “Trophic status or condition” means the productivity of a lake as measured by the phosphorus content, algae abundance, and depth of light penetration.

O. “Water body” means a lake, reservoir, wetland, or a geographically defined portion of a river or stream.

**Subp. 5. Impairment of waters due to excess algae or plant growth.** In evaluating whether the narrative standards in subpart 3, which prohibit any material increase in undesirable slime growths or aquatic plants including algae is being met, the commissioner will use all readily available and reliable data and information for relevant factors of use impairment including, but not limited to, the factors listed in items A to E. The commissioner may consider other scientifically objective, credible, and supportable factors that are not listed in this subpart, but in all cases a finding of an impaired condition must be supported by data showing elevated levels of nutrients in item A, and at least one factor showing impaired conditions resulting from nutrient over-enrichment in items B to E.

Assessment of trophic status and the response of a given water body to nutrient enrichment will take into account the morphometry, hydraulic residence time, mixing status, watershed size, location, and other factors that affect trophic status, appropriate for that geographic region. The factors in this subpart normally apply to lakes; however, the commissioner may apply them to rivers, streams, and wetlands when the application of the factors is scientifically justified. The factors referred to in this subpart are as follows:

A. representative summer-average concentrations of total phosphorus and total nitrogen measured in the water body throughout the summer growing season;

B. representative summer-average concentrations of chlorophyll-a measured in the water body throughout the summer growing season;

C. representative measurements of light transparency in the water body, as measured with a Secchi disk in lakes or a transparency tube in rivers and streams, throughout the growing season;

D. the magnitude, duration, and frequency of nuisance algae blooms in the water body; and documented impaired recreational and aesthetic conditions observed by the users of the water body, due to excess algae or plant growth, reduced transparency, or other deleterious conditions caused by nutrient over-enrichment; and

E. failure of an individual water body to meet documented expectations of trophic status, based on readily available and reliable data for the water body, when compared to data for reference water bodies appropriate for that ecoregion.

**Subp. 6. Impairment of biological community and aquatic habitat.** In evaluating whether the narrative standards in subpart 3, which prohibit serious impairment of the normal fisheries and lower aquatic biota upon which they are dependent and the use thereof, material alteration of the species composition, material degradation of stream beds, and the prevention or hindrance of the propagation and migration of fish and other biota normally present, are being met, the commissioner will consider all readily available and reliable data and information for relevant factors of use impairment including, but not limited to, the factors listed in items A to D. The commissioner may consider other scientifically objective, credible, and supportable factors not listed in this subpart, but in all cases a finding of an impaired condition must be supported by data for the factors listed in at least one of items A to C. The factors listed in item D are used to support the biological data described in items A to C, when habitat data are available.

The biological quality of any given surface water body will be assessed by comparison to the biological conditions determined for a set of reference water bodies which best represents the most natural condition for that surface water body type within a geographic region.

A. An index of biological integrity calculated from measurements of attributes of the resident fish community, including measurements of:

(1) species diversity and composition;

(2) feeding and reproduction characteristics; and

(3) fish abundance and condition.

B. An index of biological integrity calculated from measurements of attributes of the resident aquatic invertebrate community, including measurements of:

- (1) species diversity and composition;
- (2) feeding characteristics; and
- (3) species abundance and condition.

C. An index of biological integrity calculated from measurements of attributes of the resident aquatic plant community, including measurements of:

- (1) species diversity and composition, including algae; and
- (2) species abundance and condition.

D. A quantitative or qualitative assessment of habitat quality, determined by an assessment of:

- (1) stream morphological features that provide spawning, nursery, and refuge areas for fish and invertebrates;
- (2) bottom substrate size and variety;
- (3) variations in water depth;
- (4) sinuosity of the stream course;
- (5) physical or hydrological alterations of the stream bed including excessive sedimentation;
- (6) types of land use in the watershed; or
- (7) other scientifically accepted and valid factors of habitat quality.

Subp. 7. **Impairment of waters relating to fish for human consumption.** In evaluating whether the narrative standards in subpart 3, which prevent harmful pesticide or other residues in aquatic flora or fauna, are being met, the commissioner will use the residue levels in fish muscle tissue established by the Minnesota Department of Health to identify surface waters supporting fish for which the Minnesota Department of Health recommends a reduced frequency of fish consumption for the protection of public health. A water body will be considered impaired when the recommended consumption frequency is less than one meal per week, such as one meal per month, for any member of the population. That is, a water body will not be considered impaired if the recommended consumption frequency is one meal per week, or any less restrictive recommendation such as two meals per week, for all members of the population. The impaired condition must be supported with measured data on the contaminant levels in the indigenous fish.

Subp. 8. **Determination of compliance.** In making tests or analyses of the waters of the state, sewage, industrial wastes, or other wastes to determine compliance with the standards and water quality condition, samples shall be collected in a manner and place, and of such type, number, and frequency as may be considered necessary by the agency from the viewpoint of adequately reflecting the condition of the waters, the composition of the effluents, and the effects of the pollutants upon the specified uses. ~~Reasonable allowance will be made for dilution of the effluents, which are in compliance with part 7050.0211 or 7050.0212, as applicable, following discharge into waters of the state. The agency by allowing dilution may consider the effect on all uses of the waters of the state into which the effluents are discharged. The extent of dilution allowed regarding any specific discharge shall not violate the applicable water quality standards.~~ The samples shall be collected, preserved, and analyzed following accepted quality control and quality assurance methods, and according to the procedures in *Code of Federal Regulations*, title 40, part 136. The agency may accept or may develop other methods, procedures, guidelines, or criteria for ~~measuring, analyzing, and collecting samples and analyzing samples and measuring water quality characteristics.~~ The commissioner will retain a record of all impairment decisions using the factors in this part, including all supporting data, for a minimum of eight years.

#### **7050.0210 GENERAL STANDARDS FOR DISCHARGERS TO WATERS OF THE STATE.**

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Mixing zones.** Reasonable allowance will be made for dilution of the effluents, which are in compliance with part 7050.0211 or 7050.0212, as applicable, following discharge into waters of the state. The agency, by allowing dilution, may consider the effect on all uses of the waters of the state into which the effluents are discharged. The extent of dilution allowed regarding any specific discharge as specified in subpart 7 shall not violate the applicable water quality standards. Means for expediting mixing and dispersion of sewage, industrial waste, or other waste effluents in the receiving waters are to be provided so far as practicable when deemed necessary by the agency to maintain the quality of the receiving waters in accordance with applicable stan-

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## Proposed Rules

dards. Mixing zones must be established by the agency on an individual basis, with primary consideration being given to the following guidelines:

- A. mixing zones in rivers shall permit an acceptable passageway for the movement of fish;
- B. the total mixing zone or zones at any transect of the stream should contain no more than 25 percent of the cross sectional area and/or volume of flow of the stream, and should not extend over more than 50 percent of the width;
- C. mixing zone characteristics shall not be lethal to aquatic organisms;
- D. for contaminants other than heat, the FAV, as defined in part 7050.0218, subpart 3, item O, for toxic pollutants should not be exceeded as a one-day mean concentration at any point in the mixing zone;
- E. mixing zones should be as small as possible, and not intersect spawning or nursery areas, migratory routes, water intakes, nor mouths of rivers; and
- F. overlapping of mixing zones should be minimized and measures taken to prevent adverse synergistic effects.

This subpart applies in cases where a Class 7 water is tributary to a Class 2 water.

[For text of subps 6c to 18, see M.R.]

### 7050.0222 SPECIFIC STANDARDS OF QUALITY AND PURITY FOR CLASS 2 WATERS OF THE STATE; AQUATIC LIFE AND RECREATION.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Class 2B waters.** The quality of Class 2B surface waters shall be such as to permit the propagation and maintenance of a healthy community of cool or warm water sport or commercial fish and associated aquatic life, and their habitats. These waters shall be suitable for aquatic recreation of all kinds, including bathing, for which the waters may be usable. This class of surface water is not protected as a source of drinking water. The applicable standards are given below, with substances considered carcinogenic followed by a (c). The basis columns to the right of the chronic standards and to the right of the acute standards, indicate whether the chronic and acute standards, respectively, are based on the protection of the aquatic community from adverse toxic effects (Tox.), or the protection of human consumers of sport-caught fish (HH). "NA" means not applicable. Subpart 7, item E, should be referenced for FAV and MS values and "none" noted with an asterisk (\*):

Substance or Characteristic (c) = carcinogen	Units	Class 2B Chronic Standard		Class 2B Acute Standards		Basis
		CS	Basis	MS	FAV	
Acenaphthene	µg/l	20	HH	56	112	Tox.
Acrylonitrile (c)	µg/l	0.89	HH	1140*	2281*	Tox.
Alachlor	µg/l	59	Tox.	800	1600	Tox.
Aluminum, total	µg/l	125	Tox.	1072	2145	Tox.
Ammonia un-ionized as N	µg/l	40	Tox.	None	None	NA

The percent un-ionized ammonia can be calculated for any temperature and pH as described in subpart 2.

Anthracene	µg/l	0.035	Tox.	0.32	0.63	Tox.
Antimony	µg/l	31	Tox.	90	180	Tox.
Arsenic, total	µg/l	53	HH	360	720	Tox.
Atrazine	µg/l	10	Tox.	323	645	Tox.
Benzene	µg/l	114	Tox.	4487	8974	Tox.
Bromoform	µg/l	466	HH	2900	5800	Tox.
Cadmium, total	µg/l	Formula	Tox.	Formula	Formula	Tox.

Cadmium, total

The CS shall not exceed:  $\exp.(0.7852[\ln(\text{total hardness mg/l})]-3.490)$

The MS shall not exceed:  $\exp.(1.128[\ln(\text{total hardness mg/l})]-1.685)$

The FAV shall not exceed:  $\exp.(1.128[\ln(\text{total hardness mg/l})]-0.9919)$

For hardness values greater than 400 mg/l, 400 mg/l shall be used to calculate the standard.

Cadmium standards in µg/l for three hardness values:

Hardness (mg/l)		50	100	200		
Standard:	CS	0.66	1.1	2.0		
	MS	15	33	73		
	FAV	31	67	146		
Carbon tetra-chloride (c)	µg/l	5.9	HH	1750*	3500*	Tox.
Chlordane (c)	ng/l	0.29	HH	1200*	2400*	Tox.
Chloride	mg/l	230	Tox.	860	1720	Tox.
Chlorine, total residual	µg/l	11	Tox.	19	38	Tox.

Chlorine standard applies to conditions of continuous exposure, where continuous exposure refers to chlorinated effluents that are discharged for more than a total of two hours in any 24-hour period.

Chlorobenzene (Monochlorobenzene)	µg/l	20	HH	423	846	Tox.
Chloroform	µg/l	155	Tox.	1392	2784	Tox.
Chlorpyrifos	µg/l	0.041	Tox.	0.083	0.17	Tox.
Chromium +3, total	µg/l	Formula	Tox.	Formula	Formula	Tox.

Chromium +3, total

The CS shall not exceed:  $\exp(0.819[\ln(\text{total hardness mg/l})]+1.561)$

The MS shall not exceed:  $\exp(0.819[\ln(\text{total hardness mg/l})]+3.688)$

The FAV shall not exceed:  $\exp(0.819[\ln(\text{total hardness mg/l})]+4.380)$

For hardness values greater than 400 mg/l, 400 mg/l shall be used to calculate the standard.

Chromium +3 standards in µg/l for three hardness values:

Hardness (mg/l)		50	100	200		
Standard:	CS	117	207	365		
	MS	984	1737	3064		
	FAV	1966	3469	6120		
Chromium +6, total	µg/l	11	Tox.	16	32	Tox.
Cobalt	µg/l	5.0	Tox.	436	872	Tox.
Copper, total	µg/l	Formula	Tox.	Formula	Formula	Tox.

Copper, total

The CS shall not exceed:  $\exp(0.6200[\ln(\text{total hardness mg/l})]-0.570)$

The MS shall not exceed:  $\exp(0.9422[\ln(\text{total hardness mg/l})]-1.464)$

The FAV shall not exceed:  $\exp(0.9422[\ln(\text{total hardness mg/l})]-0.7703)$

For hardness values greater than 400 mg/l, 400 mg/l shall be used to calculate the standard.

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# Proposed Rules

Copper standards in µg/l for three hardness values:

Hardness (mg/l)	50	100	200			
Standard: CS	6.4	9.8	15			
MS	9.2	18	34			
FAV	18	35	68			
Cyanide, free	µg/l	5.2	Tox.	22	45	Tox.
DDT (c)	ng/l	1.7	HH	550*	1100*	Tox.
1,2-Dichloro-ethane (c)	µg/l	<del>1.90</del> 190	HH	45,050*	90,100*	Tox.
Dieldrin (c)	ng/l	0.026	HH	1300*	2500*	Tox.
Di-2-ethylhexyl phthalate (c)	µg/l	2.1	HH	None*	None*	NA
Di-n-octyl phthalate	µg/l	30	Tox.	825	1650	Tox.
Dissolved oxygen	mg/l	5.0 as a daily minimum				

This dissolved oxygen standard may be modified on a site-specific basis according to subpart 8, except that no site-specific standard shall be less than 5 mg/l as a daily average and 4 mg/l as a daily minimum. Compliance with this standard is required 50 percent of the days at which the flow of the receiving water is equal to the lowest weekly flow with a once in ten-year recurrence interval (7Q10). This standard applies to all Class 2B waters except for those portions of the Mississippi River from the outlet of the metro wastewater treatment works in Saint Paul (River Mile 835) to Lock and Dam No. 2 at Hastings (River Mile 815). For this reach of the Mississippi River the standard is not less than 5 mg/l as a daily average from April 1 through November 30, and not less than 4 mg/l at other times.

Endosulfan	µg/l	0.031	HH	0.28	0.56	Tox.
Endrin	µg/l	0.016	HH	0.090	0.18	Tox.
Ethylbenzene	µg/l	68	Tox.	1859	3717	Tox.

**Fecal coliform organisms** Not to exceed 200 organisms per 100 milliliters as a geometric mean of not less than five samples in any calendar month, nor shall more than ten percent of all samples taken during any calendar month individually exceed 2,000 organisms per 100 milliliters. The standard applies only between April 1 and October 31.

Fluoranthene	µg/l	1.9	Tox.	3.5	6.9	Tox.
Heptachlor (c)	ng/l	0.39	HH	260*	520*	Tox.
Heptachlor epoxide (c)	ng/l	0.48	HH	270*	530*	Tox.
Hexachloro benzene (c)	ng/l	0.24	HH	None*	None*	Tox.
Lead, total	µg/l	Formula	Tox.	Formula	Formula	Tox.

Lead, total

The CS shall not exceed:  $\exp.(1.273[\ln(\text{total hardness mg/l})]-4.705)$

The MS shall not exceed:  $\exp.(1.273[\ln(\text{total hardness mg/l})]-1.460)$

The FAV shall not exceed:  $\exp.(1.273[\ln(\text{total hardness mg/l})]-0.7643)$

For hardness values greater than 400 mg/l, 400 mg/l shall be used to calculate the standard.

Lead standards in µg/l for three hardness values:

Hardness (mg/l)	50	100	200
Standard: CS	1.3	3.2	7.7
MS	34	82	197
FAV	68	164	396

## Proposed Rules

Lindane (c) (Hexachlorocyclo- hexane, gamma-)	µg/l	0.036	HH	4.4*	8.8*	Tox.
Mercury, total	µg/l	0.0069	HH	2.4*	4.9*	Tox.
Methylene chloride (c) (Dichloromethane)	µg/l	1940	HH	13,875	27,749	Tox.
Naphthalene	µg/l	81	Tox.	409	818	Tox.
Nickel, total	µg/l	Formula	Tox	Formula	Formula	Tox.

Nickel, total  
The CS shall not exceed:  $\exp.(0.846[\ln(\text{total hardness mg/l})]+1.1645)$

The MS shall not exceed:  $\exp.(0.846[\ln(\text{total hardness mg/l})+3.3612])$

The FAV shall not exceed:  $\exp.(0.846[\ln(\text{total hardness mg/l})+4.0543])$

For hardness values greater than 400 mg/l, 400 mg/l shall be used to calculate the standard.

Nickel standards in µg/l for three hardness values:

Hardness (mg/l)	50	100	200
Standard: CS	88	158	283
MS	789	1418	2549
FAV	1578	2836	5098

Oil	µg/l	500	NA	5000	10,000	NA
Parathion	µg/l	0.013	Tox.	0.07	0.13	Tox.
Pentachloro- phenol	µg/l	Formula	Tox. /HH	Formula	Formula	Tox.

For waters with pH values greater than 6.95, the CS shall not exceed the human health-based standard of 5.5 µg/l.

For waters with pH values less than 6.96, the CS shall not exceed:  $\exp.(1.005[\text{pH}]-5.290)$

The MS shall not exceed:  $\exp.(1.005[\text{pH}]-4.830)$

The FAV shall not exceed:  $\exp.(1.005[\text{pH}]-4.1373)$

Pentachlorophenol standards in µg/l for three pH values:

pH (su)	7.0	7.5	8.0
Standard: CS	5.5	5.5	5.5
MS	9.1	15	25
FAV	18	30	50

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## Proposed Rules

pH (su)		Not less than 6.5 nor greater than 9.0				
Phenanthrene	µg/l	3.6	Tox.	32	64	Tox.
Phenol	µg/l	123	Tox.	2214	4428	Tox.
Polychlorinated biphenyls, total (c)	ng/l	0.029	HH	1000*	2000*	Tox.
Radioactive materials		Not to exceed the lowest concentrations materials permitted to be discharged to an uncontrolled environment as permitted by the appropriate authority having control over their use.				
Selenium	µg/l	5.0	Tox.	20	40	Tox.
Silver, total	µg/l	1.0	Tox.	Formula	Formula	Tox.
Silver, total		The CS shall not exceed: 1.0				
		The MS shall not exceed: $\exp.(1.720[\ln(\text{total hardness mg/l})]-7.2156)$				
		The FAV shall not exceed: $\exp.(1.720[\ln(\text{total hardness mg/l})]-6.520)$				
		Provided that the MS and FAV shall be no less than 1.0 µg/l				
		For hardness values greater than 400 mg/l, 400 mg/l shall be used to calculate the standard.				
		Silver standards in µg/l for three hardness values:				
	Hardness (mg/l)	50	100	200		
	Standard: CS	1.0	1.0	1.0		
	MS	1.0	2.0	6.7		
	FAV	1.2	4.1	13		
Temperature		5°F above natural in streams and 3°F above natural in lakes, based on monthly average of the maximum daily temperature, except in no case shall it exceed the daily average temperature of 86°F				
1,1,2,2-Tetrachloroethane (c)	µg/l	13	HH	1127	2253	Tox.
Tetrachloroethylene (c)	µg/l	8.9	HH	428	857	Tox.
Thallium	µg/l	0.56	HH	64	128	Tox.
Toluene	µg/l	253	Tox.	1352	2703	Tox.
Toxaphene (c)	ng/l	1.3	HH	730*	1500*	Tox.
1,1,1-Trichloroethane (c)	µg/l	329	Tox.	2957	5913	Tox.
1,1,2-Trichloroethylene (c)	µg/l	120	HH	6988	13,976	Tox.
2,4,6-Trichlorophenol (c)	µg/l	2.0	HH	102	203	Tox.
Turbidity value	NTU	25	NA	None	None	NA
Vinyl chloride (c)	µg/l	9.2	HH	None*	None*	NA
Xylene, total m,p,o	µg/l	166	Tox.	1407	2814	Tox.
Zinc, total	µg/l	Formula	Tox.	Formula	Formula	Tox.
Zinc, total						

The CS shall not exceed:  $\exp.(0.8473[\ln(\text{total hardness mg/l})]+0.7615)$

The MS shall not exceed:  $\exp.(0.8473[\ln(\text{total hardness mg/l})]+0.8604)$

The FAV shall not exceed:  $\exp.(0.8473[\ln(\text{total hardness mg/l})]+1.5536)$

For hardness values greater than 400 mg/l, 400 mg/l shall be used to calculate the standard.

Zinc standards in  $\mu\text{g/l}$  for three hardness values:

Hardness (mg/l)	50	100	200
Standard: CS	59	106	191
MS	65	117	211
FAV	130	234	421

[For text of subs 5 and 6, see M.R.]

Subp. 7. **Additional standards.** The following additional standards and requirements apply to all Class 2 waters.

~~A. For all classes of aquatic life and recreation waters, the aquatic habitat, which includes the waters of the state and stream bed, shall not be degraded in any material manner, there shall be no material increase in undesirable slime growths or aquatic plants, including algae, nor shall there be any significant increase in harmful pesticide or other residues in the waters, sediments, and aquatic flora and fauna; the normal fishery and lower aquatic biota upon which it is dependent and the use thereof shall not be seriously impaired or endangered, the species composition shall not be altered materially, and the propagation or migration of the fish and other biota normally present shall not be prevented or hindered by the discharge of any sewage, industrial waste, or other wastes to the waters.~~

No sewage, industrial waste, or other wastes from point or nonpoint sources shall be discharged into any of the waters of this category so as to cause any material change in any other substances or characteristics which may impair the quality of the waters of the state or the aquatic biota of any of the classes in subparts 2 to 6 or in any manner render them unsuitable or objectionable for fishing, fish culture, or recreational uses. Additional selective limits or changes in the discharge bases may be imposed on the basis of local needs.

[For text of items B to E, see M.R.]

[For text of subs 8 and 9, see M.R.]

**7050.0470 CLASSIFICATIONS FOR WATERS IN MAJOR SURFACE WATER DRAINAGE BASINS.**

Subpart 1. **Lake Superior Basin.** The water use classifications for the listed waters in the Lake Superior Basin are as identified in items A, B, and D.

[For text of item A, see M.R.]

B. Lakes:

[For text of subitems (1) to (127), see M.R.]

(128) \*Superior, Lake, excluding the portions identified in subitem ~~(130)~~ (129) [11/5/84R] (T.49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, R.14W-7E): 1B, 2A, 3A;

[For text of subitems (129) to (153), see M.R.]

[For text of items C and D, see M.R.]

[For text of subs 2 to 9, see M.R.]

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## Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

### Expedited and Emergency Expedited Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## Minnesota Racing Commission

### Adopted Permanent Rules Relating to Horse Racing

The rules proposed and published at *State Register*, Volume 26, Number 31, pages 969-976, January 22, 2002 (26 SR 969), are adopted as proposed.

## Public Utilities Commission

### Adopted Permanent Rules Repealing Obsolete Utility Rules and Making Conforming Changes

The rules proposed and published at *State Register*, Volume 26, Number 28, pages 880-887, December 31, 2001 (26 SR 880), are adopted as proposed.

## Executive Orders

The governor has the authority to issue written statements of orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Executive Order # 02-02: Providing for the Assignment of Duties to State Agencies Under the Land and Water Conservation Fund Act of 1965 (P.L. 94-422); Rescinding Executive Order No. 93-13

I, JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, proper administration of the federal Land and Water Conservation Fund Act of 1965, as amended, requires the assignment of specific duties to various state agencies; and

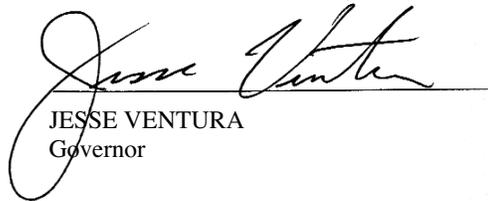
**WHEREAS**, *Minnesota Statutes* 2001, First Special Session, [Chap. 2], Section 140, [116P.14] [Federal Land and Water Conservation Fund] designates the Department of Natural Resources as the state agency to apply for, receive, accept and disburse federal funds from this grant program;

**NOW, THEREFORE**, I hereby order that:

1. The Department of Natural Resources be designated the state agency to administer the Land and Water Conservation Fund Grant Program in Minnesota.
2. The Administrator of the Office of Management and Budget Services in the Department of Natural Resources shall serve as the state liaison officer and shall be ultimately responsible for overall administration and compliance of the Land and Water Conservation Fund in Minnesota. The Manager of the Grants Unit in the Department of Natural Resource's Office of Management and Budget Services shall serve as the alternate liaison officer and shall assist the state liaison officer in carrying out the responsibilities of this program. In the absence of the state liaison officer, the Deputy Commissioner in the Department of Natural Resources shall have authority to sign project agreements and amendments. Responsibility for this program shall include:
  - a. Implementing an ongoing statewide comprehensive outdoor recreation planning process that includes an assessment of outdoor recreation in Minnesota, a plan for addressing outdoor recreation issues, and a process for allocating federal grant funds to acquire and develop projects that provide outdoor recreation;
  - b. Ensuring compliance by all grant recipients with state laws and regulations and with federal requirements stated in the Land and Water Conservation Fund Grant Manual;
  - c. Managing projects by preparing and submitting applications, amendments and billings, inspecting projects to ensure proper completion, operation and maintenance, and other functions necessary for proper program administration and management;
  - d. Reporting on activities of the grant program as required by federal and state regulations; and
  - e. Cooperating with the National Park Service in activities that further administration of this grant program in Minnesota.

Pursuant to *Minnesota Statutes* 2001, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 2001, Section 4.035 subd. 3.

**IN TESTIMONY WHEREOF**, I have set my hand this 18th day of April 2002



JESSE VENTURA  
Governor

Filed According to Law:



MARY KIFFMEYER  
Secretary of State

# Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Department of Transportation

### Uniform Traffic Control Devices Manual Order No. 86252

**WHEREAS**, the United States Department of Transportation, Federal Highway Administration (FHWA) has adopted and published a Manual on Uniform Traffic Control Devices, dated January 17, 2001) (herein referred to as the Federal MUTCD) including Revision No. 1 (Change List, dated December 28, 2001), and Errata No. 1 (dated June 14, 2001).

**WHEREAS**, this Federal MUTCD has been approved by the Federal Highway Administrator as the National Standard for all highways open to public travel in accordance with Title 23, U.S.C. Sections 109(d), 315 and 402, and 49 C.F.R. Section 1.48; and

**WHEREAS**, the Minnesota Department of Transportation has amended the Federal MUTCD by adding Appendices and revising or adding text and figures to make provisions for *Minnesota Statutes* and department procedures; and

**NOW, THEREFORE**, pursuant to authority vested in my office and as provided in *Minnesota Statutes*, Section 169.06, subd. 1 (2000), I do hereby adopt and prescribe the following as the 2001 Minnesota Manual on Uniform Traffic Control Devices (referred to as the "2001 MN MUTCD"):

- I. United States Department of Transportation, Federal Highway Administration Manual on Uniform Traffic Control Devices, 2001 edition (dated January 17, 2001), including Revision No. 1 (Change List, dated December 28, 2001), and Errata No. 1 (dated June 14, 2001).
- II. Minnesota Department of Transportation Appendices:
  - A. APPENDIX A1 - Congressional Legislation
  - B. APPENDIX A2 - Phase-in Compliance Periods
  - C. APPENDIX B - Warrants, Standards, and Guidelines for Traffic Control Devices used at Senior Citizen and Handicapped Pedestrian Crossings
  - D. APPENDIX C - Sign Listings & Recommended Sizes
- III. State of Minnesota, Department of Transportation, additional sections, revisions, and corrections to the 2001 Federal MUTCD.

It is further ordered that the provisions of the 2001 MN MUTCD shall be implemented and applied to all traffic control devices installed on or after July 1, 2002 upon highways within this State, except for pavement markings which shall be in compliance as of the first application after January 1, 2003, and except for those traffic control devices which conform to the 1991 edition of the MN MUTCD and are on order or under contract prior to July 1, 2002. All existing traffic control devices or installations not in conformance with standards in the 2001 MN MUTCD shall be changed to conform to the new standards herein when replacement occurs.

This Order supersedes Order No. 77588, dated October 3, 1991, which adopted and prescribed the 1991 Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways.

Dated at St. Paul, Minnesota, this 15th day of April, 2002.

Elwyn Tinklenberg  
Commissioner of Transportation

# Revenue Notices

The Department of Revenue began issuing revenue notices in July of 1991. Revenue notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue revenue notices is found in *Minnesota Statutes* § 270.0604.

## Department of Revenue

### Revenue Notice # 02-06: Corporate Income Tax - Apportionment of Income; Two Factor and One Factor Weighted Formulas; Revocation of Revenue Notice # 94-02

This revenue notice revokes and supersedes Revenue Notice # 94-02, which was published on January 24, 1994. The percentages reflected in Revenue Notice # 94-02 are obsolete due to a 1999 law change which changed the percentages to those used below, effective for taxable years beginning after December 31, 2000. This revenue notice uses the current percentages to explain the two factor weighted formula and gives the one factor weighted formula.

#### Apportionment of Net Income

Apportionment of net income from a trade or business carried on partly within and partly without this state is governed by *Minnesota Statutes*, section 290.191. When a taxpayer has only one or two of the three factors for apportionment they may elect to use the appropriate formula below and the Department will accept the calculation without the taxpayer petitioning for its use under *Minnesota Statutes*, section 290.20. Under either formula, the total weight is equal to 100%.

#### Two Factor Weighted Formula

For those taxpayers that only have two of the three apportionment factors the following two factor weighted formula should be applied:

Example 1. Taxpayer has property and sales but no payroll. (The calculation would be the same if a taxpayer had payroll but no property to apportion to the State of Minnesota.)

Property Factor	12.5%
Sales Factor	<u>75%</u>
	87.5%
Property Weight Divided by Total	$12.5\% \div 87.5\% = 14.3\%$
Sales Weight Divided by Total	$75\% \div 87.5\% = 85.7\%$
New Weighted Property Factor	14.3%
New Weighted Sales Factor	<u>85.7</u>
Total of Weights	100%

Example 2. Taxpayer has property and payroll but no sales.

Property Factor	12.5%
Payroll Factor	<u>12.5%</u>
	25%
Property Weight Divided by Total	$12.5\% \div 25\% = 50\%$
Payroll Weight Divided by Total	$12.5\% \div 25\% = 50\%$
New Weighted Property Factor	50%
New Weighted Payroll Factor	<u>50%</u>
Total of Weights	100%

#### One Factor Weighted Formula

When a taxpayer is missing two factors of any of the three apportionment factors, the Department will accept 100% weighting of the single factor without the taxpayer petitioning for its use under *Minnesota Statutes*, section 290.20.

Jennifer L. Engh  
Assistant Commissioner for Tax Policy

## Official Notices

*Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The State Register also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.*

### Burns Township, Anoka County, Minnesota

#### Resolution 02-08: Resolution Appointing a Township Responsible Authority

**WHEREAS**, *Minnesota Statutes*, section 13.02, Subdivision 16, as amended, requires that the Township of Burns appoint one person as the Responsible Authority to administer the requirements for collection, storage, use and dissemination of data on individuals, with the Township and,

**WHEREAS**, the Township of Burns Board of Supervisors shares concern expressed by the legislature on the responsible use of all Township data and wishes to satisfy this concern by immediately appointing an administratively qualified Responsible Authority as required under the Statute.

**BE IT RESOLVED**, the Burns Township Board of Supervisors appoints Penny L. Smeby as the Responsible Authority for the purposes of meeting all requirements of *Minnesota Statutes*, chapter 13, as Commissioner of Administration as published in the *State Register* on May 6th, 2002.

**ADOPTED BY BURNS TOWNSHIP BOARD OF SUPERVISORS ON MARCH 19, 2002.**

ATTESTED TO BY THE:

Myron O. Burquest        on        April 19, 2002  
Chairman

Penny L. Smeby        on        April 19, 2002  
Township Clerk

## Department of Commerce

### Energy Division

### Energy Assistance Office

#### Public Hearing and Comment Period for the 2003 Energy Assistance Program, Minnesota Department of Commerce

**THE PUBLIC IS INVITED TO COMMENT** on the proposed Minnesota state plan for the Energy Assistance Program for fiscal year 2003 at a public hearing or through written comment. The hearing will be held June 5, 2002, from 1:30 p.m. to 4:30 p.m. in the Ladyslipper Room of the Centennial Building in the capitol complex at 658 Cedar Street, St. Paul. Written comment must be received at the address below by 4:30 p.m. on June 5, 2002.

The FY 2003 Energy Assistance Plan describes how federal LIHEAP funds will be used to help low-income households pay home heating bills and conserve energy. Comments received at the public hearings and in writing during the comment period will be considered in the development of the state plan. The proposed state plan is available for viewing or downloading at [www.commerce.state.mn.us/pages/Energy/Assistance/ReportsManuals.htm#StatePlans](http://www.commerce.state.mn.us/pages/Energy/Assistance/ReportsManuals.htm#StatePlans). A single copy of the proposed state plan may be obtained by writing, calling or emailing:

John Harvanko, Director  
Office of Energy Programs  
Department of Commerce  
85 7th Place East, Suite 500  
St. Paul, MN 55101-2198  
**Phone:** (651) 284-3275  
**Fax:** (651) 284-3277  
**Email:** [john.harvanko@state.mn.us](mailto:john.harvanko@state.mn.us)

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Nominating Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Nominating Committee will be held **via conference call** at 2:00 p.m., on Thursday, May 2, 2002. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

## Minnesota Department of Economic Security

### Rehabilitation Services Branch

#### REQUEST FOR COMMENTS on Possible Amendment to Rule Governing Vocational Rehabilitation Services, *Minnesota Rules 3300.5010 to 3300.5060*

**Subject of Rule.** The Department of Economic Security requests comments on its possible amendment to rules governing vocational rehabilitation services.

The current Minnesota state rules governing the vocational rehabilitation program are printed in *Minnesota Rules*, which is available at most larger public libraries in Minnesota. It is available by interlibrary loan through other libraries in Minnesota. The vocational rehabilitation rules are numbered 3300.5000 through 3300.5060. They are also available on the Revisor of Statutes' web page at <http://www.revisor.leg.state.mn.us/arule/3300/>

Many of the possible amendments we are considering are the result of recent changes to the federal regulations for the vocational rehabilitation program, Title 34 of the *Code of Federal Regulations*, Part 361. These amended federal regulations were published by the U.S. Department of Education in the January 17, 2001 and January 22, 2001 issues of the *Federal Register*, which is available at most larger public libraries in Minnesota. Copies of the federal regulations are also available by interlibrary loan through other libraries in Minnesota. They are also available on the Internet in text format at <http://www.ed.gov/legislation/FedRegister/finrule/2001-1/011701a.html> and <http://www.ed.gov/legislation/FedRegister/finrule/2001-1/012201a.html> and in PDF format at <http://www.ed.gov/legislation/FedRegister/finrule/2001-1/011701a.pdf>, or <http://www.ed.gov/legislation/FedRegister/finrule/2001-1/012201a.pdf>

The department is considering the following rule amendments:

Throughout the rules, we are considering updating terms and definitions so they are consistent with terms used in the new federal regulations. Some examples are: "significant disability" for "severe disability," "individualized plan for employment" or "employment plan" for "individualized written rehabilitation program," and "impairment" for "disability" (when the meaning is clearly supposed to be a physical or mental condition). We are considering incorporating federal regulations by reference in many instances, in order to avoid unnecessary repetition of existing federal language. Throughout the rules, we are also considering amendments to update references to federal regulations as necessary.

We are also considering amendments to:

- revise or clarify the circumstances when the vocational rehabilitation program will purchase certain services,
- revise the rules about the responsibilities of consumers and their families for assisting in paying for certain services, and
- revise the dollar amounts that the vocational rehabilitation program will pay for certain services.

Examples of possible amendments include:

#### **3300.5010 DEFINITIONS**

**Subp. 6. Comparable benefits.** We are considering updating this definition by incorporating by reference the definition of "comparable services and benefits" in the federal regulations, 34 CFR 361.5(b)(10).

**Subp. 9. Eligible consumer.** We are considering updating this definition by incorporating by reference the definition of "eligible individual" in the new federal regulations, 34 CFR 361.5(b)(15)

## Official Notices

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**Subp. 10. Employment goal.** We are considering updating this definition by incorporating by reference the definition of “employment outcome” in the new federal regulations, 34 CFR 361.5(b)16).

**Subp. 14. Gift aid.** We are considering amending this definition to indicate that awards and scholarships based on merit will not be considered “gift aid”; this change is necessary due to the new federal regulations, 34 CFR 361.5(b)10).

**Subp. 19. Individualized written rehabilitation program.** We are considering amending this term to “individualized plan for employment” or “employment plan” for consistency with the terms used by the new federal regulations and by vocational rehabilitation program staff and consumers. We are also considering incorporating by reference the new federal regulations on the development, review, amendment and mandatory components of the plan, 34 CFR 361.45 and 361.46.

**Subp. 24. Maintenance.** We are considering amending this definition by incorporating by reference the definition of “maintenance” in the new federal regulations, 34 CFR 361.5(b)35.

**Subp. 30 and Subp. 31. Post-secondary training and Post-secondary training institution.** We are considering amending these definitions or adding other definitions. The current definitions may not be adequate to describe or include the increasing number of specialized training institutions and training programs offered by public, private, nonprofit and for-profit training providers.

**Subp. 32. Public safety officer.** We are considering repealing this definition because the legal basis for giving priority to public safety officers if all eligible individuals cannot be served has been eliminated from the federal law and regulations governing the vocational rehabilitation program.

**Subp. 41. State Rehabilitation Advisory Council.** We are considering amending this term to “State Rehabilitation Council,” which is the term used in the new federal regulations, for example, 34 CFR 361.16 and 34 CFR 361.17.

**Subp. 44. Tuition cap.** We are considering amending this term to “fee schedule for tuition and fees.” We are also considering whether to change the basis for determining the dollar amount of the fee schedule for undergraduate and graduate post-secondary programs at private and out-of-state post-secondary institutions. We are considering whether that amount should continue to be based on the cost at the MnSCU institution with the highest combined cost of tuition and mandatory fees, or whether a different basis should be used. We are also considering amending the definition to clarify that we will pay no more than the resident student rate for tuition and fees at Minnesota public post-secondary institutions.

### 3300.5020 and 3300.5030 ORDER OF SELECTION

**Subp. 5. Priority for public safety officers.** We are considering repealing this definition because the legal basis for giving priority to public safety officers if all eligible individuals cannot be served has been eliminated from the federal law and regulations governing the vocational rehabilitation program.

### 3300.5040 CONSUMER FINANCIAL PARTICIPATION

**Subp. 1a. Consumer financial participation threshold.** We are considering amending the consumer financial participation threshold level to 250 percent of the federal poverty guidelines, as adjusted for family size. Currently the threshold amount is the average of the estimated state median income and 187.5 percent of the federal poverty guidelines, adjusted for family size. The change being considered would be likely to require more consumers to pay for part or all of the cost of certain vocational rehabilitation services.

**Subp. 2. No required financial participation, Subp. 3. Basis for determining degree of consumer financial participation, and Subp. 4. Exemption from determination of degree of consumer financial participation.** We are considering amending these subparts to make it clear that a consumer who is receiving Social Security Disability Insurance or Supplemental Security Income benefits, or other benefits under Title II or Title XVI of the Social Security Act, is not required to pay any of the costs of vocational rehabilitation services. The possible amendment would also eliminate the requirement for calculating the gross family income of a consumer who is receiving Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits, or other benefits under Title II or Title XVI of the Social Security Act. We believe these changes are required by the new federal regulations, 34 CFR 361.54(b)3(ii).

**Subp. 6. Services exempted from consumer financial participation.** We are considering amending this list of services so that it includes the services exempted from consumer financial participation by the new federal regulations 34 CFR 361.54(b)3. For example, “personal assistance services” would be added to the exempt list.

**Subp. 9. Variance.** We are considering amending item D(2) in this subpart, dealing with how to calculate the amount of the variance. The possible amendment would clarify D(2) by specifying that we would subtract the “extraordinary expenses resulting from illness or disability” from the consumer’s gross family income, and use the resulting figure (the gross family income minus extraordinary expenses resulting from illness or disability) as the basis for determining whether consumer financial participation is required, and, if so, how much.

**3300.5050 COMPARABLE BENEFITS AND SERVICES**

**Subp. 1. Use of comparable benefits.** We are considering amending this subpart by incorporating by reference the federal regulations on the use of comparable services and benefits, 34 CFR 361.53(b).

**Subp. 2. Consumer responsibilities.** We are considering amending item A to clarify that the consumer is not required to apply for awards and scholarships based on merit. We believe this change is required by the definition of “comparable services and benefits” in the federal regulations, 34 CFR 361.5(b)(10)(iii). We are also considering amending the last sentence in item B to clarify that a responsible repayment effort on a defaulted student loan will be deemed to be satisfied if the consumer has made six consecutive *monthly* payments. We are also considering adding a new item to specify the consumer’s responsibilities when Pell grants or other grants for post-secondary training are not available because the consumer has not repaid Pell grant funds that are owed to the post-secondary institution.

**3300.5060 TERMS AND CONDITIONS FOR PROVISION OF VOCATIONAL REHABILITATION SERVICES**

Throughout this part, where necessary we are considering amending the items dealing with consumer financial participation and comparable benefits so they will be in accordance with the new federal regulations. These are usually items A and B in each subpart.

We are also considering adding a new subpart to establish terms and conditions for providing “other goods and services”

**Subp. 1 General conditions for provision of vocational rehabilitation services.**

**Item A.** We are considering updating the references to the federal regulations to match the numbering of the new federal regulations: 34 CFR 361.42 (assessment for determining eligibility and order of selection priority, and assessment via trial work experiences or extended evaluation); and 34 CFR 361.45(f) (assessment to determine the employment goal and the nature and scope of services to be provided).

We are considering adding a new provision that would deal with the ownership of certain items that are purchased for consumers. This issue arises when the vocational rehabilitation program purchases goods for a consumer — for example, sets of tools; computers; or supplies and equipment for training, self-employment or a small business — and the consumer then chooses not to, or decides he or she is no longer able to, pursue the planned vocational goal. We are considering whether we should establish rules on when the vocational rehabilitation program will transfer the title to certain items, and whether there should be requirements for consumers to return certain items that are not being used as intended to achieve the consumer’s vocational goal.

**Variance from fee schedule maximums or time limits on provision of services.** We are considering adding a new subpart dealing with variances from fee schedules or time limits on services. The possible subpart would describe how a consumer can request a variance, what factors are considered in deciding whether to grant a variance, a timeframe for responding to a request for a variance, and who is responsible for granting or denying a variance. According to federal regulations 34 CFR 361.50(c)(2)(ii) and 361.50(d)(1)(ii), fee schedules and time limits on services must “permit exceptions so that individual needs can be addressed.”

**Subp. 1a. Auxiliary aids and services for effective communication.** The current legal references in this subpart are to federal regulations for the Americans with Disabilities Act. We are considering a possible amendment to add a reference to the Minnesota Human Rights Act, which also contain requirements covering auxiliary aids and services that can apply to providers of services.

**Subp. 3. Computer hardware and software, Item C.** We are considering amending this item to use the term “provide” instead of “purchase” in order to make it clear that alternatives such as leasing or loaning computer hardware or software may be used to meet a consumer’s needs. We are also considering an amendment to clarify that we can provide computers if they are required by a post-secondary institution for all students or for all students in a program or course that is required for the consumer to reach the vocational goal. We are also considering adding the terms and conditions for replacement or upgrade of computers and peripherals.

**Subp. 3a. Durable medical equipment.** We are considering amending this subpart to state that our maximum payment for wheelchairs would not exceed the maximum payment under Minnesota Medical Assistance, which is currently 80% of the retail price. We are also considering amending this subpart to specify that our maximum payment for other durable medical equipment would not exceed the maximum payment under Minnesota Medical Assistance. We are considering these possible amendments as an appropriate cost control measure; we believe that Minnesota’s public vocational rehabilitation program should not have to pay more for wheelchairs or other durable medical equipment than the state’s Medical Assistance program.

**Subp. 5. Maintenance.** We are considering an amendment to require Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits to be considered as comparable benefits in determining the amount of any vocational rehabilitation payments for maintenance. We are also considering amending the rules on maintenance for post-secondary training to specify that when a consumer is attending an out-of-state post-secondary institution and meets the criteria for the provision of maintenance, the vocational rehabilitation program will pay no more than the actual added cost to the consumer, and no more than the lowest of either a) the cost of on-campus housing, b) the cost of off-campus housing, or c) the vocational rehabilitation maintenance fee schedule.

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**Subp. 7. Personal assistance services.** Item B currently requires consumer financial participation in the cost of personal assistance services. We are considering removing that requirement because the new federal regulations, 34 CFR 361.54(b)(2)(G)(ii), prohibit requiring consumer financial participation for personal assistance services.

**Subp. 9. Rehabilitation technology, Item C.** We are considering several possible amendments dealing with vehicle adaptations. We are considering amending C(3) to allow our vocational rehabilitation program to take into account the availability of public transportation, including paratransit, when the consumer and counselor assess the consumer's needs for vehicle adaptations or other services that assist in meeting the consumer's needs for transportation to reach and maintain a vocational outcome.

We are considering adding new language about a "fee schedule" for van adaptations. We are considering specifying that the vocational rehabilitation program's maximum expenditure for van adaptations would be based on the least costly van adaptation alternative (that is, the cost of adapting a full-size van versus the cost of adapting a minivan).

We are considering adding new language about the vocational rehabilitation program's financial participation in adapting used vehicles. We are considering requiring a certified mechanic to determine that the used vehicle has a future "life expectancy" of at least 75,000 miles or a comparable number of years, in order to assure that the vehicle being adapted will have a reasonable "life."

We are considering an amendment stating that the vocational rehabilitation program will participate in paying for vehicle adaptations only when the consumer has title to the vehicle being adapted.

We are considering an amendment to require that driving evaluations must be conducted by a person who meets the qualifications necessary for certification by the Association for Driver Rehabilitation Specialists (ADED). We are also considering an amendment to require that providers of structural adaptations to vehicles must agree to adhere to the guidelines of the National Mobility Equipment Dealers Association (NMEDA).

### **Subp. 12. Transportation services.**

**Item G.** We are considering an amendment to update the reference to the current Internal Revenue Service Code rate for tax deductions for mileage for charitable contributions.

**Item I.** We are considering a possible amendment to the terms and conditions for vehicle repair. Change the maximum amount that the vocational rehabilitation program would pay for necessary non-routine vehicle repairs needed for a consumer to continue progress toward his or her employment goal to \$1,000 in a 12-month period, and to specify that vehicle being repaired must be owned by the consumer.

We are also considering an amendment dealing with payments for transportation for post-secondary training. We are considering setting a limit on vocational rehabilitation payments for mileage and parking when post-secondary training is available at a Minnesota public institution in or very near the consumer's home community, but the consumer chooses to commute to a college or university farther away. We are considering limiting mileage and parking payments to the amount that would apply if the consumer attended the Minnesota public institution in or very near his or her home community.

**Subp. 13. Post-secondary training tuition and mandatory fees.** We are considering amending item F(3), which refers to a post-secondary training program operated by a community rehabilitation program in conjunction with a Minnesota public post-secondary institution. There are no such programs currently in existence, and the reference does not seem to be needed.

Items H, I, J and K in subpart 13 deal with how vocational rehabilitation calculates its contribution (if any) to the costs of tuition and fees. We are considering amending these items, especially item K, in order to limit the vocational rehabilitation program's payments for tuition and fees at private or out-of-state post-secondary institutions to no more than the amount the vocational rehabilitation program would be paying for tuition and fees if the consumer were attending a Minnesota public institution.

**Persons Affected.** The possible amendments to the rule would likely affect the following groups: 1) consumers receiving post-secondary training, 2) consumers receiving payments for transportation, 3) consumers receiving maintenance, 4) consumers and their families whose gross family income is above 250 percent of the federal poverty guidelines, 5) consumers who require vehicle adaptations, 6) financial aid officers at Minnesota post-secondary institutions, 7) vendors of driver evaluations for people with disabilities, and 8) vendors of adaptive driving equipment.

The department does not contemplate appointing an advisory committee to comment on the possible rule.

**Statutory Authority.** *Minnesota Statutes*, section 268A.03(m) requires the department to "adopt, amend, suspend, or repeal rules necessary to implement or make specific" the programs that the commissioner administers. *Minnesota Statutes*, section 268A.03(b) authorizes the commissioner to administer the vocational rehabilitation program by providing vocational rehabilitation services to persons with disabilities in accordance with the federal Rehabilitation Act of 1973, as amended.

**Public comment.** Interested persons or groups of persons may submit comments or information on this possible rule in writing or orally until 4:30 p.m. on June 28, 2002. The department does not anticipate that a draft of the rule amendment will be available before the publication of the proposed rule. Written or oral comments, questions, requests to receive a draft of the rule when it has been prepared, and requests for more information on this possible rule should be addressed to:

Andrew Beisner  
Rehabilitation Services Branch  
Department of Economic Security  
390 North Robert Street  
St. Paul MN 55101

Andrew Beisner uses a TTY phone. He can be reached by calling the Minnesota Relay Service, 1-800-627-3529, and asking the Relay Service to call (651) 296-9152. Persons who use a TTY may call him directly using a TTY. He can be contacted by **email** at: *Andy.Beisner@state.mn.us*

**Alternative format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address, phone number or email address listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt a rule is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

/s/ Howard Glad  
Assistant Commissioner

## **Emergency Medical Services Regulatory Board**

### **Notice of Completed Application in the Matter of the License Application of the Zumbrota Area Ambulance, Zumbrota, Minnesota**

**PLEASE TAKE NOTICE** that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from the **Zumbrota Area Ambulance, Cannon Falls, Minnesota**, for a new license, advanced ambulance – part time.

**NOTICE IS HEREBY GIVEN** that, pursuant to *Minnesota Statutes* 144E.11, subd. 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by May 29, 2002, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to: Mary Hedges, Executive Director, EMSRB, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

If fewer than six comments opposing the applications are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes* sec. 144E.11, subd. 4. If six or more comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes* sec. 144E.11, sub. 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes* sec. 144E.11, subd. 5(c), (e).

Dated: 19 April 2002

Mary F. Hedges  
Executive Director

## **Minnesota Higher Education Facilities Authority**

### **Notice of Public Hearing on Revenue Obligations on Behalf of the Trustees of Hamline University**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the “Authority”) with respect to a proposal to issue revenue bonds or other obligations on behalf of the Trustees of the Hamline

## Official Notices

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University of Minnesota (the "University"), as owner and operator of Hamline University, at the Authority's offices at Suite 450 Galtier Plaza, 380 Jackson Street, St. Paul, Minnesota on May 15, 2002 at 2:00 p.m. Under the proposal, the Authority would issue its revenue bonds or other obligations in an aggregate principal amount of up to approximately \$1,150,000 to finance (a) lighting, expansion and improvements to the parking and pedestrian area at Drew Lot and (b) upgrade of mechanical infrastructure throughout the campus for improved efficiency of electric, heating and air conditioning systems, all located on the University campus (collectively, the "Project"). The Project will be owned and operated by the University and located at 1536 Hewitt Avenue, St. Paul, Minnesota.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 29 April 2002

By Order of the  
Minnesota Higher Education Facilities Authority  
Marianne Remedios  
Executive Director

## Department of Natural Resources

### Division of Fish and Wildlife

#### Notice of Waters Identified and Designated as Infested Waters

**NOTICE IS HEREBY GIVEN** by the Minnesota Department of Natural Resources that until further notice, the following waters in the state have been identified and designated as infested waters in *Minnesota Rules*, part 6216.0350. Activities at these waters are subject to *Minnesota Rules*, parts 6216.0100 to 6216.0600, *Minnesota Statutes*, section 84D.13, and other applicable laws.

#### Waters identified as infested with Eurasian water milfoil.

The following water bodies are identified and designated by the commissioner as infested with Eurasian water milfoil (*Myriophyllum spicatum*).

Name	DNR Protected Waters Inventory Number
<b>Anoka County</b>	
Cenaiko Lake	02-0654
Centerville Lake	02-0006
Crooked Lake	02-0084
Lake George	02-0091
Otter Lake	02-0003
Lake Peltier	02-0003
Unnamed lake (in Springbrook Nature Center)	02-0688
<b>Carver County</b>	
Lake Ann	10-0012
Auburn Lake	10-0044
Bavaria Lake	10-0019
Firemen's Lake	10-0226
Eagle Lake	10-0121
Lotus Lake	10-0006
Lake Minnewashta	10-0009
Parley Lake	10-0042
Pierson Lake	10-0053
Riley Lake	10-0002
Schutz Lake	10-0018
Stone Lake	10-0056

Lake Virginia	10-0015
Lake Waconia	10-0059
Wasserman Lake	10-0048
Lake Zumbra	10-0041
<b>Chisago County</b>	
Ellen Lake	13-0047
Green Lake	13-0041
Rush Lake	13-0069
<b>Crow Wing County</b>	
Bay Lake	18-0034
Ripple River, between Bay Lake and Tame Fish Lake	18-0000
Ruth Lake	18-0212
<b>Dakota County</b>	
Crystal Lake	19-0027
Lac Lavon	19-0347
Lake Marion	19-0026
Schultz Lake	19-0075
Twin Lakes	19-0028
<b>Douglas County</b>	
Oscar Lake	21-0257
<b>Hennepin County</b>	
Arrowhead Lake	27-0045
Bass Lake	27-0098
Brownie Lake	27-0038
Bryant Lake	27-0067
Bush Lake	27-0047
Lake Calhoun	27-0031
Cedar Lake	27-0039
Christmas Lake	27-0137
Dutch Lake	27-0181
Eagle Lake	27-0111
Fish Lake	27-0118
Forest Lake	27-0139
Galpin Lake	27-0144
Gleason Lake	27-0095
Lake Harriet	27-0016
Hiawatha Lake	27-0018
Lake Independence	27-0176
Lake of the Isles	27-0040
Libbs Lake	27-0085
Little Long Lake	27-0179
Long Lake	27-0160
Medicine Lake	27-0104
Minnehaha Creek	27-0000
Lake Minnetonka	27-0133
Niccum's Pond	private
Lake Nokomis	27-0019
Parker's Lake	27-0107
Peavy Lake	27-0138
Lake Rebecca	27-0192
Rice Lake	27-0116
Round Lake	27-0071

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Lake Sarah	27-0191
Schmidt Lake	27-0102
Swan Lake	27-0000
Tanager Lake	27-0141
unnamed wetland	27-0900
Whaletail Lake	27-0184
Wirth Lake	27-0037
<b>Isanti County</b>	
Green Lake	30-0136
<b>Itasca County</b>	
Ice Lake	31-0372
McKinney Lake	31-0370
North Twin	31-0190
<b>Kanabec County</b>	
Knife Lake	33-0028
<b>Kandiyohi County</b>	
Green	34-0079
<b>Meeker County</b>	
Stella Lake	47-0068
Lake Washington	47-0046
<b>Mille Lacs County</b>	
Lake Mille Lacs, and from the mouths of each tributary to Lake Mille Lacs upstream to the first public road	48-0002
	48-0000
<b>Olmsted County</b>	
George Lake	55-0008
<b>Pope County</b>	
Gilchrist Lake	61-0072
Lake Minnewaska	61-0130
<b>Ramsey County</b>	
Bald Eagle Lake	62-0002
Lake Gervais	62-0007
Island Lake	62-0075
Keller Lake	62-0010
Kohlmans Lake	62-0006
McCarron Lake	62-0054
Lake Owasso	62-0056
Phalen Lake	62-0013
Round Lake	62-0012
Silver Lake	62-0001
Snail Lake	62-0073
Spoon Creek (between Keller and Phalen lakes)	62-0000
Sucker Lake	62-0028
Turtle Lake	62-0061
Lake Vadnais	62-0038
Lake Wabasso	62-0082
White Bear Lake	82-0167
<b>Rice County</b>	
Cedar Lake	66-0052

**St. Louis County**

Gilbert Pit Lake	69-1306
Horseshoe Lake	69-0503

**Scott County**

Lower Prior Lake	70-0026
Upper Prior Lake	70-0072

**Stearns and Todd County**

Sauk Lake	77-0150
unnamed wetland along the Clearwater River	73-0312

**Washington County**

Powers Lake	82-0092
White Bear Lake	82-0167
St. Croix River	82-0001
Sunset Lake	82-0153

**Wright County**

Augusta Lake	86-0284
Beebe Lake	86-0023
Buffalo Lake	86-0090
Clearwater Lake	86-0252
Clearwater River (downstream of Clearwater L.)	86-0000
Deer Lake	86-0107
Goose Lake	86-0108
Lake Mary	86-0156
Little Waverly Lake	86-0106
Lake Pulaski	86-0053
Rock Lake	86-0182
Sugar Lake	86-0233
Waverly Lake	86-0114
Weigand Lake	86-0242

**Multiple Counties**

Mississippi River (downstream of St. Anthony Falls)

**Waters identified as infested with round goby.**

The following water bodies are identified and designated by the commissioner as infested with round goby (*Neogobius melanostromus*).

Name	DNR Protected Waters Inventory Number
<b>Multiple Counties</b>	
Lake Superior	16-0001
St. Louis River (downstream of the Fond du Lac dam)	

## Official Notices

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### Waters identified as infested with ruffe.

The following water bodies are identified and designated by the commissioner as infested with ruffe (*Gymnocephalus cernuus*).

Name	DNR Protected Waters Inventory Number
<b>Multiple Counties</b>	
Lake Superior	16-0001
St. Louis River (downstream of the Fond du Lac dam)	

### Waters identified as infested with spiny water flea.

The following water bodies are identified and designated by the commissioner as infested with spiny water flea (*Bythotrephes cederstroemi*).

Name	DNR Protected Waters Inventory Number
<b>St. Louis</b>	
Fish Lake	69-0491
Island Lake	69-0372
<b>Multiple Counties</b>	
Lake Superior	16-0001
Cloquet River (from Island Lake to the St. Louis River)	
St. Louis River (downstream of the Cloquet River)	

### Waters identified as infested with white perch.

The following water bodies are identified and designated by the commissioner as infested with white perch (*Morone americana*).

Name	DNR Protected Waters Inventory Number
<b>Multiple Counties</b>	
Lake Superior	16-0001
St. Louis River (downstream of the Fond du Lac dam)	

### Waters identified as infested with zebra mussels.

The following water bodies are identified and designated by the commissioner as infested with zebra mussel (*Dreissena sp.*).

Name	DNR Protected Waters Inventory Number
<b>Olmstead County</b>	
Lake Zumbro	55-0400
<b>Washington County</b>	
St. Croix River (downstream of the St. Croix Boomsite Recreation Area, managed by Minnesota Department of Transportation, at river mile 25.4.)	
<b>Multiple Counties</b>	
Lake Superior	16-0001
Mississippi River (downstream of St. Anthony Falls)	
St. Louis River (downstream of the Fond du Lac dam)	
Zumbro River (downstream of Lake Zumbro)	

**Waters infested with Eurasian water milfoil and are in the designation process.**

The following water bodies are identified as infested with Eurasian water milfoil (*Myriophyllum spicatum*) and are in the process of designation by the commissioner.

<b>Name</b>	<b>DNR Protected Waters Inventory Number</b>
<b>Carver County</b>	
Stieger Lake	10-0045
<b>Kandiyohi County</b>	
Norway Lake	34-0251
<b>Ramsey County</b>	
unnamed	62-0271
<b>Scott County</b>	
Lake O'Dowd	70-0095
Thole Lake	70-0120
<b>Wright County</b>	
French Lake	86-0273

Dated: 29 April 2002

Department of Natural Resources  
Exotic Species Program  
William J. Rendall  
Program Coordinator

## **Minnesota Pollution Control Agency**

### **Majors and Remediation Division**

#### **NOTICE OF APPROVAL OF A PETITION**

#### **Notice of the MPCA's Approval of a Petition Submitted by Flint Hills Resources, LP Requesting to Exclude a Waste from Hazardous Waste Regulation**

The Minnesota Pollution Control Agency (MPCA) Board has approved a petition submitted by Flint Hills Resources, LP (formerly Koch Petroleum Group, LP), to exclude a waste from hazardous waste regulation under *Minnesota Rules* ch.7045. The petition requested that 19,200 tons of coker pond fines generated at the Pine Bend Refinery in Rosemount, Minnesota be burned as non-hazardous fuel at the EVTAC Mining taconite processing plant at Eveleth, Minnesota. In its decision, the MPCA Board concluded that the petition met all the applicable requirements of *Minnesota Rules* 7045.0075, subp. 2. The petition provided a demonstration that the waste meets the criterion of *Minnesota Rules* 7045.0129, subp. 1, item C, which is that the waste is not capable of posing a substantial present or potential hazard to human health or the environment, subject to the conditions specified in the MPCA's Findings of Fact, Conclusions of Law, and Order dated March 28, 2002.

This exclusion from hazardous waste regulation became effective on March 28, 2002. The approval only excludes the waste identified in the petition as "coker pond fines" and only under the specific conditions established in the MPCA's Findings of Fact, Conclusions of Law and Order dated March 28, 2002.

The MPCA published a notice of its preliminary intent to approve the petition and a request for public comment in the December 10, 2001 *State Register*.

## Official Notices

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Information regarding the petition and supporting documents will be maintained in MPCA files. To view or copy this information contact:

Carol Nankivel  
MPCA/Policy and Planning Division  
520 Lafayette Road  
St. Paul, MN 55155-4194  
**Phone:** (651) 297-8371  
**Toll-Free:** 1-800-657-3864  
**Fax:** (651) 297-8676  
**Email:** *Carol.nankivel@pca.state.mn.us*

Date: 9 April 2002

Karen A. Studders  
Commissioner  
Minnesota Pollution Control Agency

## Teachers Retirement Association

### Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, May 9, 2002 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.

## Board of Teaching

### Announcement of Adoption of Praxis II Examinations and Passing Scores for Teacher Licensure

The tests and required passing scores in this announcement become effective for all licensure applications postmarked on or after September 1, 2002. This announcement supercedes the announcement of tests and projected passing scores which remain in effect only until August 31, 2002. As required by *Minnesota Rules*, Part 8710.0500, subpart 4, the Minnesota Board of Teaching hereby notifies citizens of Minnesota that the following examinations have been adopted as requirements for first time applicants for teacher licensure in Minnesota.

The tests announced herein are **in addition** to the already-required examinations of skills in reading, writing, and mathematics under *Minnesota Rules* 8710.0500, subpart 1, item A.

Each new classroom teacher licensee in Minnesota must complete one pedagogy test as listed below and the content test (if any) required for the licensure field or fields to be issued.

Exception: Applicants on or after September 1, 2001, applying for "old" licenses under *Laws of Minnesota 2001*, Chapter 1, must complete an appropriate pedagogy examination but need not complete content examinations, as content examinations were not adopted or correlated to the "old" licensure rules.

Minnesota licensed classroom teachers **adding** a new licensure field on or after September 1, 2001, must take the content test specified, but are not required to take a pedagogy test.

For purposes of this requirement, the term "classroom teacher license" does not include licenses as a Teachers of Parent and Family Education, School Counselor, School Social Worker, School Psychologist, Educational Speech-Language Pathologists, Teacher Coordinators of Work-Based Learning, or Teachers of Adult Basic Education.

Pursuant to *Minnesota Rules*, Part 8710.0500, subpart 3B, applications postmarked before September 1, 2002, must evidence completion of the previously required examinations, but there shall be no minimum passing score enforced. The tests and "Passing Scores" listed below are the minimum passing scores the Board will enforce for applications postmarked **on or after September 1, 2002**.

Applicants prepared outside Minnesota shall be granted temporary licenses under the provisions of *Minnesota Rules* 8710.0500, subpart 11.

All examinations listed below are from the Praxis II series of examinations by the Educational Testing Service (ETS). For information regarding these examinations, applicants should contact their teacher preparation institution or the Minnesota Board of Teaching (651) 582-8833.

### **Pedagogy Examinations**

On or after September 1, 2002, each applicant for **first-time** Minnesota classroom teacher licensure must successfully complete **one** of the following examinations. The grade range of the examination must be within the grade range(s) for which the applicant is seeking licensure:

<b>Examination</b>	<b>Passing Score</b>
<i>Principles of Learning and Teaching: Grades K-6</i>	152
<i>Principles of Learning and Teaching: Grades 5-9</i>	144
<i>Principles of Learning and Teaching: Grades 7-12</i>	153

### **Content Examinations**

On or after September 1, 2002, first time applicants for the following licensure fields, whether as first time Minnesota licensees or to add the field(s) to existing Minnesota teacher licensure, must successfully complete the following examinations at the required passing scores:

#### **8710.3000 TEACHERS OF EARLY CHILDHOOD EDUCATION.**

<b>Examination</b>	<b>Passing Score: 540</b>
<i>Early Childhood Education</i>	

#### **8710.3200 TEACHERS OF ELEMENTARY EDUCATION WITH A SPECIALTY.**

<b>Examination</b>	<b>Passing Score: 140</b>
<i>Elementary Education: Content Knowledge</i> (Tests not required for specialty areas themselves)	

#### **8710.4050 TEACHERS OF AGRICULTURAL EDUCATION.**

<b>Examination</b>	<b>Passing Score: 490</b>
<i>Agriculture</i>	

#### **8710.4100 TEACHERS OF AMERICAN INDIAN LANGUAGE, HISTORY, AND CULTURE.**

**No content examination required at this time.**

#### **8710.4150 TEACHERS OF BILINGUAL/BICULTURAL EDUCATION.**

**No content examination required at this time.**

#### **8710.4200 TEACHERS OF BUSINESS EDUCATION.**

<b>Examination</b>	<b>Passing Score: 560</b>
<i>Business Education</i>	

#### **8710.4250 TEACHERS OF COMMUNICATION ARTS AND LITERATURE.**

<b>Examination</b>	<b>Passing Score: 148</b>
<i>English Language, Literature, &amp; Composition: Content Knowledge</i>	

#### **8710.4300 TEACHERS OF DANCE AND THEATRE ARTS.**

*For Theatre Concentration:*

<b>Examination</b>	<b>Passing Score: 560</b>
<i>Theatre</i>	

*For Dance Concentration:* **No content examination required at this time**

## Official Notices

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**8710.4350 TEACHERS OF DRIVER AND TRAFFIC SAFETY.**  
No content examination required at this time

**8710.4400 TEACHERS OF ENGLISH AS A SECOND LANGUAGE.**  
Examination **Passing Score: 540**  
*Teaching English as a Second Language*

**8710.4450 TEACHERS OF FAMILY AND CONSUMER SCIENCES.**  
Examination **Passing Score: 550**  
*Family and Consumer Sciences*

**8710.4500 TEACHERS OF HEALTH.**  
Examination **Passing Score: 500**  
*Health Education*

**TEACHERS OF KEYBOARDING FOR COMPUTER APPLICATIONS.**  
No content examination required at this time.

**8710.4550 LIBRARY MEDIA SPECIALIST.**  
Examination **Passing Score: 540**  
*Library Media Specialist*

**8710.4600 TEACHERS OF MATHEMATICS.**  
Examination **Passing Score: 124**  
*Mathematics: Content Knowledge*

**8710.4650 TEACHERS OF VOCAL MUSIC AND OF INSTRUMENTAL MUSIC.**  
Examination **Passing Score: 140**  
*Music: Content Knowledge*

**8710.4700 TEACHERS OF PHYSICAL EDUCATION.**  
Examination **Passing Score: 141**  
*Physical Education: Content Knowledge*

**TEACHERS OF READING.**  
No content examination required at this time.

**8710.4750 TEACHERS OF SCIENCE.**  
Examination **Passing Score: 143**  
*General Science: Content Knowledge*

**NOTE:** Applicants for only a 5-8 General Science licensure or a 9-12 Physics, Chemistry, Earth and Space Science, or Life Science license are not required to take a content examination. The Examination is required for applicants who are seeking a 5-8 General Science and a 9-12 science license under this rule.

**8710.4800 TEACHERS OF SOCIAL STUDIES.**  
Examination **Passing Score: 145**  
*Social Studies: Content Knowledge*

**8710.4850 TEACHERS OF TECHNOLOGY.**  
Examination **Passing Score: 580**  
*Technology Education*

**8710.4900 TEACHERS OF VISUAL ARTS.****Examination***Art: Content Knowledge***Passing Score: 155****8710.4950 TEACHERS OF WORLD LANGUAGES AND CULTURES.****No content examination required at this time.****(September 1, 2002 and after)****8710.5000 - 8710.5800 ALL SPECIAL EDUCATION FIELDS, INCLUDING:****8710.5100 TEACHERS OF SPECIAL EDUCATION: BLIND OR VISUALLY IMPAIRED.****8710.5200 TEACHERS OF SPECIAL EDUCATION: DEAF OR HARD OF HEARING.****8710.5250 TEACHERS OF SPECIAL EDUCATION: ORAL/AURAL DEAF EDUCATION.****8710.5300 TEACHERS OF SPECIAL EDUCATION: DEVELOPMENTAL ADAPTED PHYSICAL EDUCATION.****8710.5400 TEACHERS OF SPECIAL EDUCATION: DEVELOPMENTAL DISABILITIES.****8710.5500 TEACHERS OF SPECIAL EDUCATION: EARLY CHILDHOOD.****8710.5600 TEACHERS OF SPECIAL EDUCATION: EMOTIONAL BEHAVIORAL DISORDERS.****8710.5700 TEACHERS OF SPECIAL EDUCATION: LEARNING DISABILITIES.****8710.5800 TEACHERS OF SPECIAL EDUCATION: PHYSICAL AND HEALTH DISABILITIES.****Examination***Education of Exceptional Students: Core Content Knowledge***Passing Score: 140****8710.8000 - 8710.8080 TEACHERS OF CAREER AND TECHNICAL EDUCATION.****(ALL FIELDS): No content examination required at this time.**

## State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

## Department of Human Services

### Adult Supports Division

### Resettlement Programs Office

### Request for Proposals for Employment and Social Services to Refugees

**NOTICE IS HEREBY GIVEN** that the Resettlement Programs Office, Adult Supports Division, Minnesota Department of Human Services, is seeking proposals to provide employment and social services to refugees who have been in the United States for less than five years.

We are seeking proposals for two-year projects that begin October 1, 2002 and can be renewed for additional years contingent on contract performance and availability of funds.

Funding for this Request for Proposals is from refugee social service funds allocated to the State by the federal Office of Refugee Resettlement. The estimated amount of funds available for this announcement is four million dollars.

## State Grants & Loans

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To be considered for funding, proposals must be post-marked or hand-delivered to the Resettlement Programs Office by **4:00 p.m., CDT, June 28, 2002**. We reserve the right not to act on this Request for Proposals.

Please direct all requests for copies of the full Request for Proposals to:

Barbara Philipp  
Minnesota Department of Human Services  
Adult Supports Division  
Human Services Building  
444 Lafayette Road  
St. Paul, Minnesota 55155-3837  
**Phone:** (651) 297-8765

## Minnesota Department of Human Services

### Deaf and Hard of Hearing Services Division

#### Notice of Request For Proposals to Provide Emergency Sign Language Interpreter Advocacy Services and Statewide Training

The State of Minnesota Department of Human Services Deaf and Hard of Hearing Services Division is soliciting proposals from qualified individuals or organizations to provide advocacy and training services related to the delivery of emergency sign language interpreter services.

Applicants must demonstrate fluency in American Sign Language. Applicants must not currently be an employee of either a spoken language interpreter referral agency or a sign language interpreter referral agency. This project requires the grantee to function autonomously and to not be affiliated with any particular agency. The grantee will work on behalf of the deaf, deafblind and hard of hearing community statewide. The grantee will be housed within the Minnesota Department of Human Services Deaf and Hard of Hearing Services Division (DHHS) and report to the DHHS central office administrative staff.

The primary activities of the advocacy position must include:

1. Responding to requests for assistance from consumers, interpreters and emergency service providers to help resolve problems related to emergency interpreting services;
2. Serving as a liaison between consumers, interpreters and service providers to address gaps in services and propose modifications to enhance service delivery;
3. Determining gaps and barriers to the effective delivery of emergency interpreter services and working with staff from the Department of Human Services to address those gaps and barriers;
4. Coordinating the development of training materials and providing statewide training sessions for emergency providers;
5. Working with existing service providers to educate them on securing appropriate interpreter services and providing follow-up to evaluate the efficacy of those modifications;
6. Collaborating with consumer and community organizations statewide to enhance awareness of emergency interpreting services, rights to services, and procedures for expressing concerns;

The Department anticipates awarding a grant(s) not to exceed \$43,500 for this one-year project, July 1, 2002 - June 30, 2003.

The full text of the Request For Proposals is available upon request by contacting:

Amy McQuaid  
Deaf and Hard of Hearing Services Division  
444 Lafayette Road North  
St. Paul, MN 55155-3814  
**Phone:** (651) 296-8978  
**TTY:** (651) 297-1506  
**Email:** *Amy.McQuaid@state.mn.us*

Proposals must be submitted in the format described in the Request For Proposals. Proposals must be received no later than **2:00 p.m., on Monday, May 20, 2002**. **Late proposals will not be considered.**

This RFP does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

## State Contracts

**Informal Solicitations:** Effective March 1, 2002, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration, Materials Management Division web page ([www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)) and access P/T Contracts.

**Formal Requests for Proposals:** Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

## Department of Administration

### Division of State Building Construction

#### **Notice of Intent to Publish a Request for Qualifications for Minnesota Registered Architects, Engineers, Land Surveyors, Landscape Architects, and Geoscientists for Studies and Reports, Predesign Documents, Design through Construction Documents, Construction Administration, and Land Surveying Services**

The Department of Administration's Division of State Building Construction intends to publish in the *State Register* some time in May 2002 a Request for Qualifications (RFQ) for Professional Services of Minnesota Registered Architects, Engineers, Land Surveyors, Landscape Architects, and Geoscientists. The complete RFQ will be published in one issue of the *State Register*. The *State Register* is published weekly on Monday.

The *State Register* is available on **website:** <http://www.comm.media.state.mn.us>

## Department of Administration (Admin)

### Division of State Building Construction (DSBC)

#### **Request for Proposals for a Space Planning Representative for Departments of Agriculture, Health and Human Services Office, Laboratory and Parking Facilities Projects**

The State of Minnesota is proposing the design and construction of laboratory and parking facilities to be occupied by the Departments of Agriculture and Health. The funding for the laboratory and parking facilities is proposed to be via an appropriation of general obligation bonds by the Minnesota legislature. The proposed delivery method for these facilities is intended to be through a conventional design/bid/build approach utilizing multiple bid packages for some of the key building components.

In conjunction with the above-mentioned facilities, the State of Minnesota is proposing to enter into a lease-purchase agreement for the development of an office building adjacent to the laboratory and parking facilities to be occupied by the Departments of Agriculture and Health. The total square footage of the office and laboratory buildings to be occupied by the Departments of Agriculture and Health is, respectively, estimated to be 342,000 and 169,000 gross square feet. The parking ramp is estimated to be 1,138 parking stalls. The total project cost is estimated to be \$155,000,000.

In addition, the State of Minnesota is proposing to enter into a lease-purchase agreement for the development of office and parking facilities to be occupied by the Department of Human Services. The total square footage of the office building to be occupied by the Department of Human Services is estimated to be 395,000 gross square feet. The parking garage is estimated to be 468 parking stalls. The total project cost is estimated to be \$102,000,000.

The proposed delivery method via the lease-purchase agreements is intended to be through an outside agency who will contract with a design consultant and construction management firm utilizing a design/bid/build approach with multiple bid packages for some of the key building components. The outside agency will lease the facilities to the State for a term of up to 25 years. The State may acquire the property at any time for predetermined amounts or at the end of the 25-year term for a \$1.

Admin is soliciting proposals from qualified professionals to perform and/or coordinate all the space planning activities related to the projects on behalf of the Department of Administration and agencies involved.

Persons or firms who are interested in receiving changes to the RFP and/or responses to questions for this project must fax a "letter of intent to submit a proposal" by May 14, 2002, to (651) 296-7650, attention Contract's Officer. The letter of intent must include (1) a subject line of "RFP for Space Planning Representative, Departments of Agriculture, Health and Human Services

## State Contracts

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Office, Laboratory and Parking Facilities Projects”, (2) a statement that potential responder intends to submit a proposal, and (3) a contact person, phone number, fax number, and email address.

The full Request For Proposal is available at [www.dsb.admin.state.mn.us](http://www.dsb.admin.state.mn.us), click on “Solicitation Announcements”. All proposals must be received no later than **11:00 a.m., Central Daylight Time, on Wednesday, May 22, 2002**, as indicated by a notation made by the receptionist at the address noted in the full RFP on receipt of proposal.

**Late proposals will not be considered.**

## Department of Administration

### Office of Technology

#### Notice of Request for Proposal for Information Technology-Professional Technical Services Master Roster

**NOTICE IS HEREBY GIVEN** that Minnesota Office of Technology of the Department of Administration is seeking vendors that provide information technology consulting services. The state is interested in a wide range of vendors that can qualify to assist state agencies. This is an annual opportunity for vendors to be added to the State’s Information Technology Professional/Technical Services Master Roster. The State has identified four categories of service for which vendors may propose. They are technical support, application design and development, telecommunications, and consulting.

For a copy of the complete Request for Proposal please contact via email:

Steve Gustafson  
State of Minnesota  
Office of Technology  
332 Minnesota Street, Suite E1100  
St. Paul, MN 55101-1322  
**Email:** [steve.gustafson@state.mn.us](mailto:steve.gustafson@state.mn.us)

This is the only person designated to receive RFP requests and answer questions regarding the RFP.

Responses to the RFP are due no later than **2:00 p.m., CDT on Monday, May 20, 2002. Late responses will not be considered.**

## Department of Administration

### Communications Media Division

#### Sealed Bid Equipment Sale

The following equipment will be sold to the highest bidder.

- Item 1.** Xerox 5690 with Interposer  
Serial Number: G2T-100015  
This near new machine has under 800,000 clicks.
- Item 2.** Xerox 5390  
Serial Number: 2FK-102411  
60 million clicks
- Item 3.** Xerox 1090 (some supplies included)  
Serial Number: M08-021827  
35 million clicks
- Item 4.** Xerox 5765 (Majestic) Color Copier with Splash RIP and edit board (some supplies included)  
Serial Number: 7EE-146164  
210,000 clicks

All equipment was purchased new, just one owner, and has been under Xerox maintenance agreements since it was purchased. At this time pieces are in daily use. The equipment is located in Roseville, Minnesota.

**Terms and Conditions**

1. Each piece of equipment will go to the highest sealed bid for that particular equipment.
2. Bidders may bid on one or all pieces of equipment.
3. The equipment is being sold on a "as is - where is" basis, there are no warranties of any kind.
4. The bidder is responsible for all disassembly and moving costs.
5. Sealed bids must be received by PrintComm at 117 University Avenue, Room 124A, St. Paul, Minnesota, 55155 no later than **4:00 p.m., CDT on May 14, 2002**. The successful bidder(s) will be notified by phone on or before **May 17, 2002 no later than 4:00 p.m., CDT**.
6. All bids must be on your organizations letterhead. Using the serial number and model designation for each item you wish to bid on and the amount. Bids must be signed in ink by an officer of your organization.
7. Equipment can be viewed any Tuesday morning up to May 14, 2002. Call Sharon Sigmon, (651) 296-9891 to make arrangements.
8. Payment by certified check, cashier's check or money order. If purchase is tax exempt, a completed tax exempt form must accompany the payment. If the purchase is not exempt appropriate sales tax will be added to the bid price. Payment to be made prior to disassembly.

Equipment will be available May 20, 2002. Equipment must be removed by June 17, 2002.

The State reserves the right to reject any or all bids.

**Colleges and Universities, Minnesota State (MnSCU)****Request for Proposals for the Minnesota State Colleges and Universities (MnSCU)  
Instructional Management Systems Help Desk Support**

The Minnesota State Colleges and Universities (MnSCU) is requesting proposals for instructional management systems (IMS) help desk support for faculty and students using the MnSCU-supported IMS products, Anlon, Blackboard, and WebCT. The help desk support services are to be provided via telephone and web access, 24 hours a day and 365 days a year. Services to faculty will consist of technical and pedagogy support. Services to students will provide technical support.

Responses to this RFP are due no later than May 14, 2002, when sealed responses will be opened and the names of responders read. The IMS help desk support RFP website, from which vendors may download a copy of the RFP, will provide vendors with current information. Vendors are expected to check this site on a daily basis to be aware of any changes, addenda, or additional information. If problems accessing site are experienced, vendors should immediately contact Betsy Draper (contact information given below). Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposals submission deadline. All queries related to this RFP should be made in writing via email, and both questions and answers will be posted on the web site.

**Copies of the RFP** can be downloaded at the IMS help desk support RFP site: <http://www.oit.mnscu.edu/mitss/helpdeskrfp.html>

**Opening Date and Time:** 2:00 p.m., Central Standard Time, May 14, 2002. Proposals received after 2:00 p.m., will be returned unopened.

**MnSCU RFP Contact:** Betsy Draper, Project Director, MnSCU Instructional Technology Support Services (MITSS), IL 151, Southwest State University, 1501 State Street, Marshall, MN 56258. **Email:** [Betsy.Draper@so.mnscu.edu](mailto:Betsy.Draper@so.mnscu.edu). **Phone:** (507) 537-6866.

## State Contracts

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### Colleges and Universities, Minnesota State (MnSCU)

#### Winona State University

##### Bids for Lounge Furniture

**NOTICE IS HEREBY GIVEN** that Winona State University will receive sealed bids for a minimum of 15 upholstered lounge chairs, 4 upholstered love seats, 20 upholstered sofas and 15 end tables.

Bid specifications will be available April 29, 2002 from the Winona State University Purchasing Department, P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987 or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at P.O. Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by **3:00 p.m., Monday, May 13, 2002.**

Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

### Colleges and Universities, Minnesota State (MnSCU)

#### Winona State University

##### Request for Bids for Wiring Supplies

**NOTICE IS HEREBY GIVEN** that Winona State University will receive sealed bids for miscellaneous wiring supplies.

Bid specifications will be available April 29, 2002 from Sandra Schmitt, Purchasing Director, P.O. Box 5838, 205 Somsen Hall Winona State University, Winona, MN 55987 or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt, P.O. Box 5838 or Somsen 205G, Business Office, Winona State University, Winona, MN, 55987 by **3:00 p.m., May 13, 2002.**

Winona State University reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in proposals received.

### Public Employees Retirement Association

#### Notice of Request for Proposal (RFP) for Professional Services to Provided Qualified Rehabilitation Evaluations

The Public Employees Retirement Association of Minnesota (PERA) requests proposals from qualified vendors to provide Qualified Rehabilitation Evaluations. Qualified vendors will be required to provide employability evaluations (including testing), labor market surveys, and expert witness testimony at hearings.

Established by the Minnesota Legislature in 1931, PERA administers three defined benefit plans. PERA's membership includes over 50,000 retirees, survivors and dependents; 33,000 inactive members; and 160,000 active members. The Qualified Rehabilitation Evaluations will be used by PERA to assist in the determination of disability benefits for our active members.

To receive a complete copy of the RFP, please mail or fax your request to:

Sandy Stolt, Administrative Secretary  
Public Employees Retirement Association  
Suite 200  
60 Empire Drive  
St. Paul, MN 55103-1855  
**Fax:** (651) 297-2547

Proposals must be received no later than **4:00 p.m. on May 31, 2002. Late proposals will not be considered.**

**Department of Transportation  
Program Support Group**

**Notice Concerning Professional/Technical Contract Opportunities**

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

**Non-State Contracts & Grants**

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

**Metropolitan Council**

**Notice of Request for Proposals (RFP) for Electro Mechanical Training for Mechanics**

**Metropolitan Council RFP / Contract Number 02P036**

The Metropolitan Council is requesting training in fundamental electro- mechanical systems, math and other technical areas for about ten of its bus mechanics in its Metro Transit Division. The training will be applied in the Council's light rail operation currently under construction. Assessment and selection of candidates must precede the training which is planned for the fourth quarter of 2002.

The anticipated solicitation schedule is shown below:

<i>Issue Request for Proposals</i>	<b>April 22, 2002</b>
<i>Receive Proposals</i>	<b>11:00 a.m. on Tuesday, May 14, 2002</b>
<i>Award of Contract</i>	<b>June 2002</b>

All firms interested in receiving an RFP package are invited to submit an email or written request to:

Amanda Houston, Administrative Assistant  
Contracts and Procurement Unit  
Metropolitan Council Environmental Services  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1585  
**Fax:** (651) 602-1138  
**Email:** [amanda.houston@metc.state.mn.us](mailto:amanda.houston@metc.state.mn.us)

**NOTE:** RFPs are **not** available in electronic form.

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules*, 5000.3530 will be applicable.

## Non-State Contracts & Grants

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### Metropolitan Council – Metro Transit

#### Sealed Bids Wanted for Armored Vehicle Service

The Metropolitan Council is soliciting sealed bids for Armored Vehicle Service for Metro Transit operations. This service will require daily weekday pickup and delivery between various locations in the Minneapolis-St. Paul metropolitan area. Bids are due by **2:00 p.m., on May 23, 2002.**

Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council  
Metro Transit Purchasing Department  
515 N. Cleveland Avenue  
St. Paul, MN 55114  
**Phone:** (612) 349-5070

### Metropolitan Council – Metro Transit

#### Sealed Bids Wanted for Purchase of Replacement Meters

The Metropolitan Council is soliciting sealed bids for the purchase of 15 to 35 meters to upgrade fluid dispensing systems at five Metro Transit facilities. Bids are due at **2:00 p.m., on May 24, 2002.**

Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council  
Metro Transit Purchasing Department  
515 N. Cleveland Avenue  
St. Paul, MN 55114  
**Phone:** (612) 349-5070

## University of Minnesota

### Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

Available at Minnesota Bookstore  
Order form on back page

## Best-Sellers & Old Favorites



### Landscaping for Wildlife

Packed with color photos and diagrams, this guide will show you how to attract wildlife to your property using inexpensive, easy-to-follow landscaping plans. Attract everything from butterflies to deer, cardinals to wood ducks. Spiral-bound, 144pp.  
**Stock No. 9-15 \$10.95**

### Woodworking for Wildlife

Full-color, spiral-bound book includes diagrams for building bird houses, nest boxes and platforms to attract and keep your favorite wildlife coming back to your property. Features 50 species of birds and mammals. Spiral-bound, 112pp. **Stock No. 9-14 \$9.95**

### Wild About Birds

Feed the birds with this excellent guide designed to increase the number of species using your feeder. This, the third book by Carroll Henderson, includes woodshop basics for construction of 26 different feeders and tips on 44 types of food, plus detailed descriptions and photos of almost all the feeder-using species east of the Rocky Mountains. Over 425 color photos. Spiral-bound, 288pp.  
**Stock No. 9-24 \$19.95**

### Buy a Set and SAVE \$\$\$

Purchase BOTH *Landscaping for Wildlife* and *Woodworking for Wildlife* and save \$2.40

**Stock No. 9-20 \$18.50**

Purchase *Landscaping for Wildlife*, *Woodworking for Wildlife* AND *Wild About Birds* and save \$3.90 **Stock No. 9-25 \$36.95**

**651.297.3000 © 800.657.3757**

### A Guide to Minnesota's Scientific & Natural Areas

This Guide presents Minnesota's landscape: Aspen Parkland, Prairie Grasslands, Deciduous Woods, and Coniferous Forests and introduces specific SNAs (scientific & natural areas) that preserve representative examples. Each site listing features a map and a description of geological formations, landscape types, and selected key plant and animal types. Includes township/range/section listing, acreage and how to access the site. Spiral-bound, 240pp.  
**Stock No. 9-8 \$14.95**

### A Guide to the Nature Conservancy's Preserves in Minnesota

Learn the location and unique ecological features at 52 preserves established by the Nature Conservancy. Explore the Northern Tallgrass Prairies, Prairie Forest Borders, and the Superior Mixed Forests and Great Lakes region. Discover prairie chickens, sandhill cranes, wild iris, Peregrine falcons, lady's slippers, and more varied species of animals, birds and plant life with the aid of this guide. Spiral-bound, 121pp.  
**Stock No. 9-69 \$14.95**

**Please reference this source code when placing your order. Thank you.**

Source Code: **SR001**

**[www.minnesotasbookstore.com](http://www.minnesotasbookstore.com)**

From Rockford Publishing and Cloud Cartographics, these county plat map books are great for the hunter/adventurer or the prospective land owner seeking property sites. Includes key county government offices as well as an alphabetized business directory, city maps and an index to owners.

COUNTY	Stock No./Price	COUNTY	Stock No./Price
Aitkin County	12-66 \$35.00	Lake County	12-28 \$30.00
Becker County	12-79 \$30.00	Meeker County	12-29 \$30.00
Beltrami County	12-67 \$30.00	Mille Lacs County	12-30 \$30.00
Blue Earth County	12-20 \$25.00	Morrison County	12-31 \$30.00
Carlton County	12-68 \$30.00	Otter Tail County	12-33 \$30.00
Carver County	12-21 \$30.00	Pine County	12-73 \$40.00
Cass County	12-22 \$30.00	St. Louis Co. (North)	12-74 \$35.00
Chisago County	12-23 \$30.00	St. Louis Co. (South)	12-75 \$35.00
Cook County	12-24 \$25.00	Scott County	12-40 \$25.00
Crow Wing County	12-70 \$30.00	Sherburne County	12-41 \$30.00
Dakota County	12-80 \$35.00	Stearns County	12-42 \$25.00
Douglas County	12-81 \$30.00	Steele County	12-43 \$25.00
Fillmore County	12-25 \$30.00	Todd County	12-44 \$30.00
Freeborn County	12-78 \$25.00	Wabasha County	12-82 \$40.00
Hubbard County	12-71 \$30.00	Wadena County	12-46 \$30.00
Isanti County	12-26 \$30.00	Winona County	12-77 \$30.00
Itasca County	12-76 \$35.00		
Kanabec County	12-27 \$30.00		
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